

The Gazette of India



PUBLISHED BY AUTHORITY

No. 20] NEW DELHI, SATURDAY, MAY 15, 1954

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 8th May 1954 :—

Issue No.	No. and date	Issued by	Subject
104	S. R. O. 1452, dated the 3rd May 1954.	Ministry of Commerce and Industry.	Draft of the Coir Industry Rules, 1954.
105	S. R. O. 1453, dated the 4th May 1954.	Election Commission, India.	Withdrawal application of the petitioner of the Election Petition No. 268-A of 1952, has been granted.
106	S. R. O. 1534, dated the 8th May 1954.	Ditto.	Amendments made in the notification No. 5612/53-2, dated the 6th Feb. 1953.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publication, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3

Statutory Rules and Orders issued by the Ministers of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

ELECTION COMMISSION, INDIA

New Delhi, the 7th May 1954

S.R.O. 1539.—In supersession of its S.R.O. 83/54/122, dated the 29th March, 1954, the Election Commission, in exercise of the powers conferred by clause (a) of sub-section (2) of section 81 of the Representation of the People Act, 1951, hereby appoints Shri D. J. Sengupta, Assistant Secretary, Election Commission, as an officer who may also receive Election Petitions presented in accordance with the provisions contained in Part VI of the said Act.

[No. 83/54/9278.]

New Delhi, the 10th May, 1954

S.R.O. 1540.—In pursuance of sub-rule (5) of rule 114 of the Representation of the People (Conduct of Elections and Election Petitions) Rules 1951, the name of the person shown in the Schedule below who having been nominated as a

candidate for the biennial election to the Council of States by the elected members of the Rajasthan Legislative Assembly, and having appointed himself to be his election agent at the said biennial election, has, in accordance with the decision given by the Election Commission under sub-rule (4) of the said rule 114, failed to lodge the return of election expenses within the time and has thereby incurred the disqualifications under clause (c) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), is hereby published:—

SCHEDULE

Shri Barkatullah Khan.

[No. RN-CS/BN/54(1).]

By order,
P. N. SHINGHAL, Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 6th May 1954

S.R.O. 1541—In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with articles 313 and 372 thereof and paragraph 19 of the Adaptation of Laws Orders, 1950, the President hereby directs that the following further amendment shall be made in the notification of the Government of India in the late Home Department, No. F.9/2/33-Ests., dated the 19th January 1934, namely:—

In the Schedule to the said notification, under the heading “Department of Industries and Labour”, the following sub-heading and the entries made thereunder shall be inserted at the end, namely:—

“*The Coal Mines Labour Welfare Fund,*

Class II

1. Financial Advise Accounts Officer.	Secretary, Ministry of Labour.	Coal Mines Welfare Com- missioner. Secretary, mi- nistry of Lab- our.	(i) to (v)
2. Creche Superintendent			
3. Lady Welfarc Officer			
4. Inspector Labour Welfare (Mines)			
5. Medical Officerc			
6. Lady Doctor			
7. Entomologist			
8. Malaria Officer			
9. Adult Education Officer			
10. Assistant Engineer			
11. Assistant Quantity Surveyor			
12. Welfare Inspector			
13. T. B. Officer			
14. Assistant Secretary to the Coal Mines Welfare Commissioner			(vi) and (vii)
15. Secretary to the Superintendent, Central Hospital.			
16. Matron			
17. Chief Draftsman.			
18. Any other Class II post under the Fund.			

[No. 74/54-Ests.]

S. R. O. 1542—In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with articles 313 and 372 thereof and paragraph 19 of the Adaptation of Laws Orders, 1950, the President hereby directs that the following further amendment shall be made in the rules published with the notification of the Government of India in the late Home Department No. F. 9-19/30-Ests., dated the 27th February 1932, namely:—

In the Schedule to the said Rules, under the heading “Department of Industries and Labour” the following sub-heading and the entries made thereunder shall be inserted at the end, namely:—

“The Coal Mines Labour Welfare Fund,

Class III.
Main Office
Accountant

Head clerk
Senior clerk
Stenographer
Cashier
Junior clerk

Inspectorate

Assistant Inspector Labour Welfare
Junior Assistant Inspector Labour Welfare
Cinema Operator
Driver
Head clerk
Senior clerk
Stenographer
Junior clerk
Stenotypist

Coal Mines Welfare Commis- Coal Mines Welfare Commis- All Secretary, Ministry of
sioner. sioner. Labour.

Women's Section

Purchaser
Field Assistant
Head clerk
Senior clerk
Store Superintendent
Stenotypist
Junior clerk
Cashier
Field worker
Centre-in-Charge
Driver

Medical Section

Physiotherapist
Sister
Staff Nurse
Gymnasium Instructor
Nurse
Mid-wife
House-keeper
Radiographer
Laboratory Technician
Chief Compounder
Compounder
Technical Assistant
Ambulance Driver

Craft Instructor							
Mistry	Superintend-ent, Central Hospital.	Superintend-ent, Central Hospital.	All	Coal Mines Welfare Com-	Mines		
Lady Health Visitor				Welfare Com- missioner.			
Sub-Assistant Surgeon							
X'Ray Technician							
Laboratory Technician							
Head clerk	Coal Mines Welfare Com- missioner.	Superintend-ent, Central Hospital.	(i) to Coal Welfare Com-	Mines			
Senior clerk			(v)	Welfare Com- missioner.			
Cashier							
Store-keeper							
Stenographer							
Junior clerk							
Assistant Store-keeper							
<i>Engineering Section</i>							
Divisional Accountant							
Head clerk							
Senior clerk							
Stenographer							
Cashier							
Junior clerk							
Store-keeper							
Senior Draftsman							
Junior Draftsman							
Overseer	Coal Mines Welfare Com- missioner.	Superintend-ing Engineer.	(i)	Coal Mines Welfare Com-	Mines		
Tracer							
Surveyor							
Ferro Printer							
Truck Driver							
Pump-cum-Engine Mechanic							
Electrician							
Plumber							
Engine Driver							
Wireman							
Switch Board Attendant							
Linesman							
<i>Adult Education Section</i>							
Drama-cum-Music Master							
Senior clerk	Coal Mines Welfare Com- missioner.	Coal Min- Welfare Co- missioner.					
Junior clerk							
Instructor							
<i>Anti-malaria Section</i>							
Senior clerk							
Accountant	Coal Mines Welfare com- missioner.	Chief Ma- laria Officer.		Coal Mines Welfare Com-	Mines		
Stenographer							
Junior clerk							
Store-keeper							
Senior Malaria Inspector							
Assistant Entomologist							
Malaria Inspector							
Draftsman							
Fitter							
Malaria Sub-Inspector							
Laboratory Assistant							
Insect Collector							
Driver							
Any other post in the Fund whose pay, if fixed, or the maximum of whose pay, if on a time scale exceeds Rs. 60/- p.m.	Coal Mines Welfare Com-	All	Secretary,	Mines			
	missioner.		Ministry	Welfare Com-			
			of Labour.	missioner.			

*Class IV**Main Office*

Chaukidar	Deputy Coal Mines Welfare Commis-	Deputy Coal Mines Welfare Commis-	All	Coal Mines Welfare Commis-
Daftari	Mines Wel-fare Com-missioner	Mines Wel-fare Com-missioner		Welfare Commis-sioner
Peon				
Sweeper				

Inspectorate

Cleaner	Chief Welfare Officer	Chief Welfare Officer	All	Coal Mines Welfare Commis-
Chaukidar				
Peon				
Sweeper				

Women's Welfare Section

Chaukidar	Officer-in-Charge	Officer-in-Charge	All	Coal Mines Welfare Commis-
Cleaner				
Peon				
Sweeper				
Labourer				
Ayah				

Medical Section

Dresser	Superintend-ent, Central Hospital	Superintend-ent, Central Hospital	All	Coal Mines Welfare Commis-sioner
Head Cook				
Nursing orderly				
Dhobi				
Cook				
X-Ray Attendant				
Tailor				
Ward and Kitchen Servant (Male)				
Ward and Kitchen Servant (Female)				
Mali				
Sweeper				
Peon				
Daftari				
Animal Room Caretaker				
Post Mortem Room Attendant				
Ambulance cleaner				
Liftman				
Chaukidar				
Ward-boy				
Bhisti				
Aya				

Engineering Section

Assistant Linesman	Superintending Engineer.	Superintending Engineer.	All	Coal Mines Welfare Commis-sioner
Assistant Switch Board Attendant				
Daftari				
Barkandaz				
Choukidar				
Peon				
Khalasi				
Sweeper				
Ferro-Printing Mazdoor				
Mall				

Adult Education Section

Peon	Adult Educa-tion Officer	Adult Educa-tion Officer	All	Coal Mine Welfare Commis-sioner
Attendant				
Sweeper				

Anti-malaria Section

Peon	Chief Malaria Officer	Chief Malaria Officer	All	Coal Mines.
Choukidar				Welfare Commissioner

[No. 7/4/54-Ests.]
S. P. MAHNA, Under Secy..

New Delhi, the 6th May, 1954

S.R.O. 1543.—In exercise of the powers conferred by sections 17 and 27 of the Indian Arms Act, 1878 (XI of 1878), the Central Government hereby directs that the following further amendments shall be made in the Indian Arms Rules, 1951, namely:—

In the Table set forth in Schedule VII to the said Rules—

1. After entry (1), the following entry shall be inserted, namely:—

(1) (2)

"(1A) Any ex-Indian Commissioned Officer of the Army, Navy or Air Force, so long as he is entitled to wear the uniform of such force.

Revolvers or automatic pistols which formed part of equipment when in employment as such officer together with a reasonable quantity of ammunition for the same in respect of which licence may be granted/renewed."

2. In column 1, at the end of entry (3), the words, and figures, "and who were exempted under Schedule I, before its revision with effect from the 1st August 1950, from the operation of the prohibitions and directions contained in the Act" shall be added.

3. At the end of item (xi) of entry (6), the following proviso shall be added, namely:—

"Provided that the person concerned is an Indian national and that he was in receipt of the Award before the 15th August, 1947".

[No. 9/41/52-Police (I).]

N. SAIGAL, Dy. Secy..

MINISTRY OF STATES

New Delhi, the 7th May, 1954

S.R.O. 1544.—In pursuance of the provisions of clause (1) of article 239 of the Constitution, the President hereby directs that the following amendment shall be made in the notification of the Government of India in the Ministry of States No. S.R.O. 460, dated the 24th August, 1950, namely:—

In the said notification, against the entry relating to the Suits Valuation Act, 1887 (VII of 1887), for the words, figures and brackets "Section 3 and 9 (Chief Commissioner of Manipur excluded)", the words, figures and brackets "Sections 2, 3 and 9 (Chief Commissioner of Manipur excluded)" shall be substituted.

[No. 53-J.]

J. C. GHOSAL, Under Secy..

MINISTRY OF FINANCE (Department of Economic Affairs)

New Delhi, the 3rd May 1954

S.R.O. 1545.—In exercise of the powers conferred by section 38 of the Bank of Sirmur Act (Act No. IV of 2001 Bikrami), the Central Government hereby orders that the Bank of Sirmur shall be placed in liquidation.

[No. D.1033-F.I/54.]

K. P. BISWAS, Under Secy..

(Department of Economic Affairs)

New Delhi, the 7th May 1954

S.R.O. 1546.—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (X of 1949), the Central Government on the recommendation of the Reserve Bank of India hereby declares that the provisions of section 10(1)(c)(i) of the said Act shall not apply to the Kumbakonam Bank Ltd., Kumbakonam in so far as the said provisions prohibit its Managing Director from being a Director of the Native High School Association Kumbakonam Ltd.

[No. F.4(91)-F.I/53.]

N. C. SEN GUPTA, Dy. Secy.

MINISTRY OF FINANCE (REVENUE DIVISION)

HEADQUARTERS ESTABLISHMENTS

New Delhi, the 7th May 1954

S.R.O. 1547.—The following notification by the Income-tax Investigation Commission is published for general information:

“NOTIFICATION

It is notified for general information that the Income-tax authority mentioned in column (1) of the table attached to this notice has been authorised with effect from the date mentioned in column (2) thereof by the Income-tax Investigation Commission, without prejudice to his regular duties, to be authorised official under section 6 of the Taxation on Income (Investigation Commission) Act, 1947, and that under the provisions of the said Act, any person (including a person whose case is not under investigation), who is required by the said authorised official in the course of the investigation:

- (1) to produce accounts or documents; and/or
- (2) to give information in respect of such accounts or documents; and/or
- (3) to attend in person and answer questions on oath; and/or
- (4) to make or prepare statements on oath giving information on specified matters;

shall be bound to comply with his requirements notwithstanding anything in any law to the contrary. Failure to comply with the requirements of the said authorised official may amount to an offence under Chapter X of the Indian Penal Code.

Name and designation of the Authorised Official (1)	Date from which authorised (2)	Address of the headquarters office of the Authorised Official (3)
Shri S. N. Mathur, Income-tax Officer, W. Bengal, Calcutta.	26-4-54	Avenue House (2nd Floor), I/C, Chowringhee Square, Calcutta.

[No. 23.]

NEW DELHI;
The 28th April, 1954.

RAMA NAND JAIN,
Secy. Income-tax Investigation Commission.”

N. D. MEHROTRA, Dy. Secy.

CORRIGENDUM

New Delhi, the 8th May 1954

S.R.O. 1548.—In the notification of the Government of India, Ministry of Finance (Revenue Division) No. 22-Central Excises, dated the 27th April, 1954, for “No. 22”, read “No. 23”.

[No. F.28/35-CXII(B)/54.]

W. SALDANHA, Dy. Secy.

CENTRAL BOARD OF REVENUE

CUSTOMS

New Delhi, the 11th May, 1954

S.R.O. 1549.—In exercise of the powers conferred by section 75 of the Sea Customs Act, 1878 (VIII of 1878), the Central Board of Revenue hereby makes the following rule for the shipping of passengers' baggage and the passing of the same through the Custom-houses, namely:—

RULE

No passengers' baggage shall be shipped for export until—

- (a) the owner has delivered to the Customs Collector or other proper officer, a declaration of such baggage in such form and containing such particulars as the Chief Customs Officer may, from time to time, by general or special order direct;
- (b) such owner has paid the duties (if any) payable on the goods contained in such baggage;
- (c) such licences or other authority for the shipment of the goods where necessary under any law for the time being in force are produced; and
- (d) such declaration form has been passed by the proper officer of Customs:

Provided that the Chief Customs Officer may, in the case of any customs port or wharf, by notification in the official Gazette, and subject to such restrictions and conditions, if any, as he thinks fit, exempt any class of goods or any class of persons from all or any of the provisions of this rule.

[No. 44.]

A. K. MUKARJI, Secy.

ESTATE DUTY

New Delhi, the 12th May 1954

S.R.O. 1550.—The following draft of an amendment which the Central Board of Revenue propose to make to the Estate Duty Rules, 1953 in exercise of the powers conferred by sub-section (1) of Section 85 of the Estate Duty Act, 1953 (XXXIV of 1953) is published as required by sub-section (1) of section 85 of the said Act, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 7th June 1954.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the said Board.

Draft amendment

After sub-rule 5 of Rule 26 of the Estate Duty Rules, 1953, the following shall be added, namely—

- "(6) The appeal to the Central Board of Revenue under section 63 of the Act shall be in form E.D. 9.
- (7) An application requiring the Central Board of Revenue to refer to the High Court any question of law arising out of an order passed under sub-section (3) of section 64 shall be in form E.D. 10".

2. After form E.D. 8, the following shall be added, namely:—

"Form E.D. 9

GOVERNMENT OF INDIA

ESTATE DUTY

FORM OF APPEAL UNDER SECTION 63 OF THE ESTATE DUTY ACT, 1953.

Before the Central Board of Revenue,
New Delhi

The day of 19

In the matter of the estate of deceased, of who died on the day of 19, and was residing

at....., P.O....., District....., State.....
sheweth as follows:—

*1. Your petitioner(s) is/are the accountable person(s) in respect of the above estate.

*2. Under the Estate Duty Act, 1953

(a) the principal value of the estate which passed or was deemed to pass on the deceased's death has been determined at.....

or

(b) the amount of Estate Duty payable by your petitioner(s) has been determined at.....

or

(c) the amount of penalty levied on your petitioner(s) is.....

or

(d) the liability/obligation to pay duty in respect of the above estate has been fixed on the petitioner(s) by the Assistant/Deputy Controller of Estate Duty,.....

and

the Notice of Demand attached hereto was served upon your petitioner(s) on.....19.....

*3. Your petitioner(s) has/have submitted/accepted an Account(s) of the deceased's total property to the/prepared by Assistant/Deputy Controller of Estate Duty.....as required by sub-section 3 of section 53/clause (a) of section 57/under sub-section (2) of Section 61.

*4. Your petitioner(s) claim(s) that in respect of the estate which passed or was deemed to pass on the deceased's death—

(a) the principal value works out at.....

or

(b) the amount of duty payable works out at.....**

or

(c) the amount of penalty works out at.....**

or

(d) no penalty is payable by your petitioner(s).

and

that on the death of the said deceased no other property passed or may be deemed to have passed.

*5. Your petitioner(s) applied for the grant of a Certificate of Discharge/Certificate under section 60. This request was rejected by the Assistant/Deputy Controller of Estate Duty.....vide his order No.....dated the.....19.....

On the ground(s) stated below, your petitioner(s) therefore pray(s) that*

(a) the deceased's estate may be valued accordingly.

or

(b) the duty may be fixed accordingly.

or

(c) the amount of penalty may be reduced accordingly.

or

(d) he/they may be declared not liable to penalty.

or

(e) he/they may be declared not to be accountable for duty.

on

(f) he/they may be granted Certificate of Discharge/Certificate under Section 60.

***Signature(s)

Grounds of Appeal

1.
2.
3.
4.
5.

Form of verification.

I./We,

the petitioner(s) named in the above petition, do declare that what is stated therein is true to the best of my/our information and belief.

***Signature(s)

*N.B.—*Delete the inappropriate words.*

* *The duty or penalty need not be entered by the appellant(s) if the grounds of appeal indicate clearly the objections to the duty or penalty, as the case may be, determined by the Assistant/Deputy Controller of Estate Duty.

**The duty or penalty need not be entered by the appellant(s) if the grounds be signed by the excutor, manager or 'Karta' of a Hindu joint family, trustee, guardian, Committee or any other person to whom any property of the deceased passes or in whom it is vested or who takes possession of or intermeddles with the estate or by the person(s) on whom the liability/obligation to pay estate duty has been fixed.

Form E.D. 10

**GOVERNMENT OF INDIA
ESTATE DUTY**

**FORM OF REFERENCE APPLICATION UNDER SECTION 64(1) OF THE ESTATE DUTY ACT,
1953.**

Before the Central Board of Revenue,
New Delhi.

The day of 19

In the matter of the estate of (name of the deceased) of,
64 R.A. No. 195/5 (to be filled in by the office).

..... v

(Applicant). (Respondent).

State from which the application is filed.....

Name and number of the appeal which.....
gives rise to the reference.

The applicant states as follows:—

1. that the appeal noted above was decided by the Central Board of Revenue on.....
2. that notice of the order under sub-section (3) of section 63 of the Estate Duty Act, 1953, was served on the applicant on.....
3. that the facts which are admitted and/or found by the Central Board of Revenue and which are necessary for drawing up a statement of the case, are stated in the enclosure for ready reference.
4. that the following questions of law arise out of the Order of the Central Board of Revenue:
 - (1)
 - (2)
 - (3)
5. that the applicant, therefore, requires under sub-section (1) of section 64 of the aforesaid Act that a statement of the case be drawn up and the question of law numbered.....out of the questions of law referred to in paragraph 4 above be referred to the High Court.
6. that the documents or copies thereof, as specified below (the translation in English of the documents, where necessary, is annexed) be forwarded to the High Court with the statement of the case.

Address.

Signed.

(applicant),

Signed.

(authorised representative, if any).

N.B.—The application when made by an accountable person must be accompanied by a fee of one hundred rupees. It is suggested that the fee should be credited in the Treasury or a branch of the Imperial Bank of India or a branch of the Reserve Bank of India, after obtaining a chalan from the Controller of Estate Duty and the triplicate chalan sent to the Central Board of Revenue with the application. The Central Board of Revenue will not accept cheques, drafts, hundies or other negotiable instruments."

3. After rule 29, the following shall be added, namely:—

"Information to be furnished by a company regarding a deceased joint shareholder.

29A. *Particulars to be furnished by an Indian Company in the case of the death of a joint holder of shares.*—Where a company formed and registered under the Indian Companies Act, 1913 (VII of 1913) has come to know through any of its Principal Officers, of the death of any of the joint holders of a share or shares in the company, it shall within one month of receipt of such knowledge furnish the following particulars to the Assistant Controller or Deputy Controller who is exercising the functions of the Income-tax Officer in the case of the company:—

- (i) The name and address of the deceased joint holder.
- (ii) Name and address of other persons holding shares jointly with the deceased joint holder.
- (iii) Description of the shares so held jointly.
- (iv) The nominal value of the shares held jointly immediately before the death of the joint holder.
- (v) Beneficial interest of the deceased joint holder in the share or shares, if known.
- (vi) Estimated market value of the joint share holding on the date of the death of the deceased.
- (vii) Name and address of the Trustee Administrator or other legal representative of the deceased, if known."

[No. 5.]

R. K. DAS, Secy.

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 7th May 1954

S.R.O. 1551.—In exercise of the powers conferred by sub-clause (a) of Clause 2 of the Iron and Steel (Control of Production and Distribution) Order, 1941, the Central Government is pleased to direct that the following amendment shall be made in the Notification of the Government of India in the late Ministry of Industry and Supply, No. I(1)-4(41), dated the 7th September, 1950, as amended from time to time, namely:—

In the Schedule annexed to the above-said Notification, for the entries—

“Chairman, Central Tea Board, Calcutta. Secretary, Central Tea Board, Calcutta. Supply Officer, Central Tea Board, Calcutta.”,

the entries—

“Chairman, Tea Board, Calcutta. Secretary, Tea Board, Calcutta. Supply Officer, Tea Board, Calcutta.”

shall be substituted.

[No. SC(A)-4(222)/54.]

S.R.O. 1552.—In exercise of the powers conferred by sub-clause (a) of Clause 2 of the Iron and Steel (Control of Production and Distribution) Order, 1941, the Central Government is pleased to direct that the following amendment shall be made in the Notification of the Government of India in the late Ministry of Industry and Supply, No. I(1)-4(41), dated the 7th September, 1950, as amended from time to time, namely:—

In the Schedule annexed to the above-said Notification, for the entry “Inspector of Industries, Government of PEPSU, Saproon.”, the entry “Inspector of Industries, Government of PEPSU, Patiala” shall be substituted.

[No. SC(A)-4(221)/54.]

New Delhi, the 12th May 1954

S.R.O. 1553.—In exercise of the powers conferred by sub-clause (a) of Clause 2 of the Iron and Steel (Control of Production and Distribution) Order, 1941, the Central Government is pleased to direct that the following amendment shall be made in the Notification of the Government of India in the late Ministry of Industry and Supply, No. I(1)-4(41), dated the 7th September, 1950, as amended from time to time, namely:—

To the Schedule annexed to the said Notification, the following entry shall be added, namely:—

“Deputy Assistant Iron and Steel Controller, In-charge of Quota Section of the Iron and Steel Control, Calcutta.”

[No. SC(A)-4(219)/54.]

D. HEJMADI, Under Secy.

New Delhi, the 8th May 1954

S.R.O. 1554.—In exercise of the powers conferred by section 29B of the Industries (Development and Regulation) Act, 1951 (LXV of 1951), the Central Government hereby exempts every industrial undertaking which is engaged only in the processing, blending or in the repacking of dye-stuffs from the operation of sections 10, 10A, 11, 11A, 12, 13 and 14 of the said Act and of the relevant rules pertaining to those sections made thereunder.

[No. 6(3)-IA(G)/54.]

B. B. SAKSENA, Dy. Secy.

New Delhi, the 8th May, 1954

S.R.O. 1555.—In exercise of the powers conferred by sub-clause (i) of clause 5 of the Cotton Textiles (Export Control) Order, 1949, the Central Government hereby directs that the following further amendment shall be made in the Notification of the Government of India in the late Ministry of Commerce No. 67-CW(25A)/48, dated the 26th March, 1949, namely:—

In the said Notification, in paragraph 6 for the existing item (y), the following shall be substituted, namely:—

"(y) Embroidered cotton cloth."

[No. 46(34)C.T.(A)/52-21.]

New Delhi, the 15th May 1954

S.R.O. 1556.—In exercise of the powers conferred by sub-section (2) of Section 3 of the Dhoties (Additional Excise Duty) Act, 1953 (39 of 1953), the Central Government hereby directs that the following further amendment shall be made in the Notification No. S.R.O. 196 dated 11th January 1954, namely:—

In the said Notification, entry No. 11 shall be deleted and the entries Nos. 12 to 18 shall be renumbered as Nos. 11 to 17 respectively.

[No. 9(27)-CT(A)/53-5.]

S.R.O. 1557.—In exercise of the powers conferred by the Proviso to Explanation I to sub-section (1) of Section 3 of the Dhoties (Additional Excise Duty) Act, 1953 (39 of 1953) the Central Government hereby fixes the permissible quota for each quarter in respect of M/s. Kotak & Co., Bombay Lessees: The Chalisgaon S. L. N. Mills Co., Ltd., (in liquidation), Chalisgaon, to be 4,30,000 yards (Four lakhs and thirty thousand yards only).

[No. 9(27)-CT(A)/53-6.]

S. A. TECKCHANDANI, Under Secy.

ORDER

New Delhi, the 10th May 1954

S.R.O. 1558.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951, (LXV of 1951) read with paragraph 1(b) of the Order of the Government of India in the Ministry of Commerce and Industry, No. S.R.O. 455, dated the 4th March, 1953, the Central Government hereby appoints Shri K. Easwaran of Easun Engineering Company Ltd., 5/7, Second Line Beach, Madras-1, as a member of the Development Council for the scheduled industries engaged in the manufacture and production of Internal Combustion Engines and Power Driven Pumps, established by the said Order to represent the interests of consumers of goods manufactured and produced by the said scheduled industries.

[No. 5(8)IA(G)/53.]

R. N. KAPUR, Under Secy.

MINISTRY OF FOOD AND AGRICULTURE

(Agriculture)

New Delhi, the 7th May 1954

S.R.O. 1559.—The following draft of certain further amendments in the Tobacco Grading and Marking Rules, 1937, which it is proposed to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (I of 1937), is published as required by the said section, for the information of persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration after the 15th June, 1954.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Draft Amendments

In the said Rules:—

(1) in sub-rule (1) of rule 3, after the words "All the tobacco shall be clean and free from excess moisture and other extraneous matter" the following words and figures shall be inserted, namely:—

"Any tobacco packed for export shall not ordinarily contain moisture below 11 per cent. and in no case below 10·5 per cent. at the time of sampling such tobacco by the tobacco redrying factory";

(2) after rule 6 the following rule shall be inserted, namely:—

"7. *Special conditions of certificate of authorisation.*—In addition to the conditions specified in rule 4 of the General Grading and Marking Rules, 1937, the conditions set out in Schedule XII shall be conditions subject to which a certificate of authorisation is issued to an owner of a tobacco redrying factory for purposes of these rules;" and

(3) after Schedule XI, the following Schedule shall be inserted, namely:—

"SCHEDULE XII

Special conditions of a Certificate of Authorisation issued to an owner of a tobacco redrying factory

(See rule 7)

(1) That the owner of a redrying factory shall provide the factory with standard moisture testing equipment and shall employ staff for moisture determination work, possessing qualifications prescribed by the Agricultural Marketing Adviser to the Government of India from time to time.

(2) That any redrying factory authorised in this behalf shall maintain proper records of moisture tests of tobacco samples in the forms approved by the Agricultural Marketing Adviser to the Government of India.

(3) That a redrying factory shall test at least 10 per cent. of the packages redried, whether on its own account or on behalf of another authorised packer or packers and shall issue a copy of the moisture test report on each parcel of tobacco redried and packed at the factory.

(4) That the redrying factory shall permit any duly authorised person to take samples from any graded and marked tobacco packages for the purpose of checking moisture.

(5) That all instructions regarding the methods of sampling and moisture determination which may be issued from time to time by the Agricultural Marketing Adviser to the Government of India shall be strictly observed.

(6) That every redrying factory authorised in this behalf shall make available for inspection at all reasonable times the moisture tests records to persons duly authorised by the Agricultural Marketing Adviser to the Government of India."

[No. F.16-36/53-Dte-II.]

BALWANT SINGH, Dy. Secy.

ORDER

New Delhi, the 8th May 1954

S.R.O. 1560.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following amendment shall be made in the Wheat (Manufacture of Fines) (Prohibition) Order, 1954, published with the Notification of the

Government of India in the Ministry of Food and Agriculture No. S.R.O. 468, dated the 6th February, 1954, namely:—

In the said Order, for clause 3, the following clauses shall be substituted, namely:—

"3. *Prohibition of manufacture of fines from indigenous wheat.*—No owner or person in-charge of a flour mill shall manufacture or cause to be manufactured, by any means whatsoever, any fines from indigenous wheat.

3A. *Prohibition of manufacture of fines from imported wheat.*—No owner or person in-charge of a flour mill shall manufacture or cause to be manufactured, by any means whatsoever, any fines from any imported wheat which is not specifically issued by the Central Government or a State Government to such owner, or person in-charge for the purpose of milling such imported wheat into fines."

[No. PYII-656(16)/54.]

S. N. BHALLA, Dy. Secy.

(Agriculture)

New Delhi, the 11th May 1954

S.R.O. 1561.—Under Section 4(x) of the Indian Cotton Cess Act, 1923 (XIV of 1923), the Central Government are pleased to appoint Shri R. J. Patil of Gharphal, District Yeotmal, Madhya Pradesh, as an additional member of the Indian Central Cotton Committee.

2. Under Section 4(ix) of the Indian Cotton Cess Act, 1923 (XIV of 1923), the Government of Patiala and East Punjab States Union have nominated Dr. Arjan Singh, Director of Agriculture, Nabha, to be a member of the Indian Central Cotton Committee.

3. Under Section 4(v) of the Indian Cotton Cess Act, 1923 (XIV of 1923), the Central Government are pleased to nominate Shri P. H. Bhutta, General Manager, Empress Mills, Nagpur, as a member of the Indian Central Cotton Committee to represent the cotton manufacturing and ginning industry in Madhya Pradesh.

4. Under Section 4(ii) of the Indian Cotton Cess Act 1923 (XIV of 1923), the Central Government are pleased to nominate Dr. T. G. Shirname, Director of Agriculture, Bombay and Shri M. S. Sivaraman, I.C.S., Director of Agriculture, Madras, as members of the Indian Central Cotton Committee to represent the Agricultural Departments of the State Governments of Bombay and Madras respectively.

[No. F.1-12/54-Com.II.]
F. C. GERA, Under Secy.

MINISTRY OF HEALTH

New Delhi, the 4th May 1954

S.R.O. 1562.—It is hereby notified for general information that in pursuance of the provisions of sub-section (2) of section 10 and section 15 of the Indian Nursing Council Act, 1947 (XLVIII of 1947), the Indian Nursing Council having resolved at a meeting of the said Council held on the 9th December, 1953 called for the purpose, has declared that the following qualification shall be a recognised qualification for the purpose of the said Act, namely—

Diploma in Psychiatric Nursing granted by the Indian Psychiatric Society.

[No. F. 2-7/53-M.I.]

BABU RAM, Under Secy.

CORRIGENDUM

New Delhi, the 6th May, 1954

S.R.O. 1563.—For the figures '1953' occurring after the words "Indian Medical Council Act" in the first sentence of this Minstry's Notification No. F.17-13/51-MI, dated the 8th April, 1954, regarding recognition of the M.B.B.S., degree of the Gujarat University, the figures '1933' should be substituted.

[No. F.17-13/51-MI.]

BABU RAM, Under Secy.

REGISTRAR, JOINT STOCK COMPANIES**NOTICES****DESTRUCTION OF RECORDS**

Nellore, the 24th April 1954

S.R.O. 1564.—Notice is hereby given that pursuant to the rules framed under the Destructions of Records Act, 1917 (Act V of 1917) the documents and correspondence relating to the undermentioned company registered under the Indian Companies Act, 1913 (Act VII of 1913) which is dissolved more than five years previous to the date of publication of this notice, will be destroyed after three months from the date of publication of this notice.

1. Name of the company the documents of which have been proposed for destruction	} Navayug Commerce Limited.
2. Date of registration.	6-12-1946.
3. Act under which registered.	Indian Companies Act, 1913 (Act VII of 1913)
4. Objects of the company :	Trading and manufacturing.
5. Situation of the office last recorded : No 136, Jawaharlal Road, Nellore.	
6. List of Managing Agents known :	
7. Date on which the company was treated as dissolved and of the entry in the register treating the company as dissolved.	} 4-5-1948.

M. CHELAPATHI RAO NAIDU,
Asstt. Registrar of
Joint Stock Companies,
Nellore.

Madras, the 26th April 1954

NOTICE PURSUANT TO SECTION 247(3)

In the matter of the Indian Companies Act, 1913 and
The New Times Limited.

S.R.O. 1565.—Whereas communication addressed to the New Times Limited at its registered office remains unanswered or returned undelivered by the Post Office;

And whereas it appears accordingly that the New Times Limited is not carrying on business or is not in operation;

Notice is hereby given pursuant to section 247(3) of the Indian Companies Act, 1913, that unless cause is shown to the contrary before the expiration of three months from the date of this notice, the name of the said company will be struck off the register and the said company will be dissolved.

Madras, the 28th April 1954

NOTICE PURSUANT TO SECTION 247(5)

In the matter of the Indian Companies Act, 1913 and
The Standard Publishers Limited.

S.R.O. 1566.—With reference to the notice dated the 28th December 1953 published on page 190 of Part II, Section 3 of the Gazette of India, dated the 23rd January 1954, the above company not having shown cause to the contrary within the time fixed, the name of the company has, under section 247(5) of the Indian Companies Act, 1913, been struck off the register.

V. V. RANGANATHAN,
Asstt. Registrar of
Joint Stock Companies,
Madras..

Tiruchirappalli, the 27th April 1954

NOTICE PURSUANT TO SECTION 247(3)

In the matter of the Indian Companies Act, 1913 and Mani Film Corporation Limited.

S.R.O. 1567.—Whereas it appears according to the letter dated the 24th March 1954 of the managing director of the said company that the above named company is not carrying on business or is in operation:

Notice is hereby given pursuant to section 247(3) of the Indian Companies Act, 1913, that unless cause is shown to the contrary before the expiration of three months from the date of this notice, the name of the said company will be struck off the register and the said company will be dissolved.

S. ALAGIRISWAMI CHETTIYAR,
Asstt. Registrar of
Joint Stock Companies,
Tiruchirappalli.

Imphal, the 27th April 1954

In the matter of the Indian Companies Act, VII of 1913
and

In the matter of the Popular Metal Mart Ltd. of Maxwell Bazar.

S.R.O. 1568.—Notice is hereby given that the name of the Popular Metal Mart Ltd., Manipur State, has this day been struck off the Register and that the Company is dissolved.

H. B. SINGH,
Registrar,
Joint Stock Companies,
Manipur.

Calcutta, the 30th April, 1954

In the matter of the Indian Companies Act, 1913 (VII of 1913) and
in the matter of Auto Supervisors Syndicate (Bengal) Ltd.

S.R.O. 1569.—Notice is hereby given that the name of Auto Supervisors Syndicate (Bengal) Ltd. of 146, Harish Mukherjee Road, Calcutta has this day been struck off the Register and that the Company is dissolved.

In the matter of the Indian Companies Act, 1913 (VII of 1913) and in the matter of Kishorilal Chowdhury's Bhutnath office (1939) Ltd.

S.R.O. 1570.—Notice is hereby given that the name of Kishorilal Chowdhury's Bhutnath office (1939) Ltd. of 64, Bowbazar Street, Calcutta, has this day been struck off the Register and that the Company is dissolved.

In the matter of the Indian Companies Act, 1913 (VII of 1913) and
in the matter of Producers & Suppliers Ltd.

S.R.O. 1571.—Notice is hereby given that the name of Producers & Suppliers Ltd. of 3/1, Bankshall Street, Calcutta, has this day been struck off the Register and that the Company is dissolved.

In the matter of the Indian Companies Act, 1913 (VII of 1913) and
in the matter of India Dairy & Poultry Farms Ltd.

S.R.O. 1572.—Notice is hereby given that the name of India Dairy & Poultry Farms Ltd. of 5 & 6, Hare Street, Calcutta, has this day been struck off the Register and that the Company is dissolved.

In the matter of the Indian Companies Act, 1913 (VII of 1913) and
in the matter of Girish Trading Co. Ltd.

S.R.O. 1573.—Notice is hereby given that the name of Girish Trading Co. Ltd. of 30, Clive Street, Calcutta, has this day been struck off the Register and that the Company is dissolved.

In the matter of the Indian Companies Act, 1913 (VII of 1913) and
in the matter of Eastern Merchants (Calcutta) Ltd.

S.R.O. 1574.—Notice is hereby given that the name of Eastern Merchants (Calcutta) Ltd. of 12, Dalhousie Sqr. (East), Calcutta, has this day been struck off the Register and that the Company is dissolved.

In the matter of the Indian Companies Act, 1913 (VII of 1913) and
in the matter of Bharat Mutual Co. Ltd.

S.R.O. 1575.—Notice is hereby given that the name of Bharat Mutual Co. Ltd. of 84/1, Bowbazar Street, Calcutta, has this day been struck off the Register and that the Company is dissolved.

In the matter of the Indian Companies Act, 1913 (VII of 1913) and
in the matter of Shyamali Samabaya Ltd.

S.R.O. 1576.—Notice is hereby given that the name of Shyamali Samabaya Ltd. of 14/2, Old China Bazar Street, Calcutta, has this day been struck off the Register and that the Company is dissolved.

In the matter of the Indian Companies Act, 1913 (VII of 1913) and
in the matter of Auto Free Service (India) Ltd.

S.R.O. 1577.—Notice is hereby given that the name of Auto Free Service (India) Ltd. of 2, Justice Dwarka Nath Road, Calcutta, has this day been struck off the Register and that the Company is dissolved.

In the matter of the Indian Companies Act, 1913 (VII of 1913) and
in the matter of Theatres & Films Ltd.

S.R.O. 1578.—Notice is hereby given that the name of Theatres & Films Ltd. of 12, Dalhousie Sqr., Calcutta, has this day been struck off the Register and that the Company is dissolved.

In the matter of the Indian Companies Act, 1913 (VII of 1913) and
in the matter of Sunderban Chemicals Ltd.

S.R.O. 1579.—Notice is hereby given that the name of Suderbon Chemicals Ltd. Act, 1913, that unless cause is shown to the contrary before the expiration of the Company is dissolved.

In the matter of the Indian Companies Act, 1913 (VII of 1913) and
in the matter of Jalpaiguri Rice Mills & Trading Co. Ltd.

S.R.O. 1580.—Notice is hereby given that the name of Jalpaiguri Rice Mills & Trading Co. Ltd. of Jalpaiguri, has this day been struck off the Register and that the Company is dissolved.

In the matter of the Indian Companies Act, 1913 (VII of 1913) and
in the matter of Hindusthan Trade & Industry Co. Ltd.

S.R.O. 1581.—Notice is hereby given that the name of Hindusthan Trade & industry Co. Ltd. of Berhampur, Murshidabad, has this day been struck off the Register and that the Company is dissolved.

In the matter of the Indian Companies Act, 1913 (VII of 1913) and
in the matter of Great Indian Trading Co. Ltd.

S.R.O. 1582.—Notice is hereby given that the name of Great Indian Trading Co. Ltd. of 8, Royal Exchange Place, Calcutta, has this day been struck off the Register and that the Company is dissolved.

In the matter of the Indian Companies Act, 1913 (VII of 1913) and
in the matter of New Salt Works Ltd.

S.R.O. 1583.—Notice is hereby given that the name of Salt Works Ltd. of 30, Clive Street, Calcutta, has this day been struck off the Register and that the Company is dissolved.

In the matter of the Indian Companies Act, 1913 (VII of 1913) and
in the matter of Nurses Club & Nursing Home Ltd.

S.R.O. 1584.—Notice is hereby given that the name of Nurses Club & Nursing Home Ltd. of 17/2B, Chowinghee Road, Calcutta, has this day been struck off the Register and that the Company is dissolved.

In the matter of the Indian Companies Act, 1913 (VII of 1913) and
in the matter of Deshbandhu Pottery & Industrial Works, Ltd.

S.R.O. 1585.—Notice is hereby given that the name of Deshbandhu Pottery & Industrial Works Ltd. of 5, Clive Ghat Street, Calcutta, has this day been struck off the Register and that the Company is dissolved.

In the matter of the Indian Companies Act, 1913 (VII of 1913) and
in the matter of Bengal Engineers & Traders Ltd.

S.R.O. 1586.—Notice is hereby given that the name of Bengal Engineers & Traders Ltd. of 18/55, Dover Lane, Calcutta, has this day been struck off the Register and that the Company is dissolved.

B. P. ROY,
Registrar of Companies,
West Bengal.

Trivandrum, the 30th April 1954

S.R.O. 1587.—It is hereby notified for the information of the public pursuant to Section 172(2) of the Indian Companies Act, 1913, that by an Order of the District Court of Trichur made on the 4th day of January, 1954 in Co. O. P. No. 4 of 1953, the "SITARAM SPINNING AND WEAVING MILLS LTD.", Trichur has been ordered to be wound up.

P. J. VARGHESE,
Registrar.
Joint Stock Companies,
Travancore-Cochin.

Coimbatore, the 1st May 1954

NOTICE PURSUANT TO SECTION 247 (3).

In the matter of Indian Companies Act, 1913 and E. V. Paddu Limited.

S.R.O. 1588.—Whereas Sri E. V. Paddu, one of the directors and managing agent of the company has reported in his letter dated the 18th March 1954 that he has purchased all the shares from the other shareholders of the company and has taken over all the assets and liabilities of the company:

And whereas the said Sri E. V. Paddu has stated in his letter dated 23rd April 1954 that the abovesaid company is not functioning as from 1st April 1954.

And whereas it appears accordingly that E. V. Paddu Limited is not carrying on business or is not in operation:

Notice is hereby given pursuant to section 247(3) of the Indian Companies Act, 1913, that unless cause is shown to the contrary before the expiration of three months from the date of this notice, the name of the said company will be struck off the register and the said company will be dissolved.

R. SRINIVASAN,
Asstt. Registrar of
Joint Stock Companies,
Coimbatore.

Bombay, the 4th May, 1954

In the matter of the Indian Companies Act VII of 1913 and of the Karnataka Tractor Cultivation & Allied Industries Limited.

S.R.O. 1589.—Notice is hereby given pursuant to Sub-Section (5) of the Section 247 of the Indian Companies Act VII of 1913 that the name of the Karnataka Tractor Cultivation & Allied Industries Limited, has this day been struck off the Register and the said Company is hereby dissolved.

[No. 8755.]

In the matter of the Indian Companies Act, VII of 1913 and of the New Malad Coal Manufacturing Co. Limited.

S.R.O. 1590.—Notice is hereby given pursuant to Section 247 of the Indian Companies Act VII of 1913, that at the expiration of three months from the date hereof the name of the New Malad Coal Manufacturing Co. Limited will, unless cause is shown to the contrary, be struck off the Register and the said Company will be dissolved.

[No. 7038.]

In the matter of the Indian Companies Act, VII of 1913 and of the Shivaji Motor Transport Company Ltd.

S.R.O. 1591.—Notice is hereby given pursuant to Section 247 of the Indian Companies Act VII of 1913, that at the expiration of three months from the date hereof the name of the Shivaji Motor Transport Company Ltd. will, unless cause is shown to the contrary, be struck off the Register and the said Company will be dissolved.

[No. 7213.]

In the matter of the Indian Companies Act, VII of 1913 and of the Union Commercial Timber Trading Co., Ltd.

S.R.O. 1592.—Notice is hereby given pursuant to Section 247 of the Indian Companies Act VII of 1913, that at the expiration of three months from the date hereof the name of the Union Commercial Timber Trading Co. Ltd., will, unless cause is shown to the contrary, be struck off the Register and the said Company will be dissolved.

[No. 7022.]

In the matter of the Indian Companies Act, VII of 1913 and of the Das Engineering Company Limited,

S.R.O. 1593.—Notice is hereby given pursuant to Section 247 of the Indian Companies Act VII of 1913, that at the expiration of three months from the date hereof the name of the Das Engineering Company Limited will, unless cause is shown to the contrary, be struck off the Register and the said Company will be dissolved.

[No. 5958.]

In the matter of the Indian Companies Act VII of 1913 and of the Shreedhar and Company Limited.

S.R.O. 1594.—Notice is hereby given pursuant to sub-section (5) of the section 247 of the Indian Companies Act VII of 1913 that the name of the Shreedhar and Company Limited, has this day been struck off the Register and the said Company is hereby dissolved.

[No. 6431.]

T. J. GONDHALEKAR,
Registrar of Companies, Bombay.

Delhi, the 5th May, 1954

NOTICE UNDER SECTION 247(3) OF THE INDIAN COMPANIES ACT VII OF 1913

In the matter of M/S. Build India Ltd.

S.R.O. 1595.—Whereas there is reasonable cause to believe that the company named M/s. Build India Ltd., is not carrying on business nor is in operation it is hereby notified that at the expiration of three months from the date hereof, the name of the company will, unless cause is shown to the contrary, be struck off the Register and the company will be dissolved.

[No. C/1648/J.S.C.]

NOTICE UNDER SECTION 247(5) OF THE INDIAN COMPANIES ACT VII OF 1913
 In the matter of M/S. Shree Madho Beopar Mandal Ltd.

S.R.O. 1596.—With reference to my Notification No. C. 1888/J.S.C., dated the 29th July, 1953, published under Section 247 (3) of the Indian Companies Act 1913, it is hereby notified that under the provisions of Section 247 (5) of the said act, the company known as M/S. Shree Madho Beopar Mandal Ltd., has been struck off the Register.

[No. C.1888/J.S.C.]

B. R. SETH, Registrar,
 Joint Stock Companies, Delhi.

Jullundur City, the 6th May 1954

S.R.O. 1597.—Notice is hereby given that the Estate Development Limited with its registered office at Jullundur City has been brought under official Liquidation by orders of the High Court of Judicature at Simla dated the 26th March 1954 and Mr. Mela Ram Retd. District and Session Judge of Jullundur has been appointed its official liquidator.

A certified copy of the orders of the High Court has duly been recorded in the office of the Registrar Joint Stock Companies Punjab, Jullundur City under section 172 of the Indian Companies Act, 1913.

[No. 4219.]

DES RAJ NANDA,
 Asstt. Registrar,
 Joint Stock Companies,
 Punjab.

Sambalpur, the 7th May, 1954

In the matter of the Indian Companies Act, 1913 (VII of 1913) and the Utkal Traders Limited.

S.R.O. 1598.—Steps having been taken under sub-section (1) and (3) of section 247 of the Indian Companies Act, 1913, addressed to the above Company and whereas from the reply received from the company it appears that the Company is neither carrying on business nor is in operation, the Utkal Traders Limited is struck off the Register u/s. 247 (5) of the said Act under orders of the Registrar of Joint Stock Companies, Orissa, dated the 30th April, 1954.

[No. 531/JSC. 150/54.]

S. N. MISRA,
 Assistant Registrar, Joint Stock Companies,
 Orissa, Sambalpur.

MINISTRY OF TRANSPORT
(Transport Wing)

New Delhi, the 8th May 1954

S.R.O. 1599.—The following draft of certain further amendments in the Calcutta Port Rules, published with the notification of the Government of India in the late War Transport Department No. 9-P(19)/42, dated the 3rd December, 1953, which it is proposed to make in exercise of the powers conferred by sub-section (1) of section 6 of the Indian Ports Act, 1908 (XV of 1908), is published as required by sub-section (2) of the said section, for the information of persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 7th day of June 1954.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Draft Amendments

In the said Rules—

1. For rule 100 the following rule shall be substituted, namely:—

"100. Restriction on movement.—No petroleum vessel shall proceed above Budge Budge with—

(a) dangerous petroleum;

(b) non-dangerous petroleum which is not intended for discharge at the petroleum berth in King George's Deck;

Provided that this rule shall not apply to—

(i) a recognised wagon ferry;

(ii) a vessel licensed under rule 113 following a route approved by the Deputy Conservator;

(iii) a vessel proceeding into dry dock in accordance with rule 118.

2. To rule 107 the following proviso shall be added, namely:—

"Provided that heavy petroleum otherwise than in bulk may be landed in any quantity at the docks or jetties or discharged overside into boats, lighters under the conditions specified in c(i) and (ii) above."

[No. 9-PI(12)/54.]

K. NARAYANAN, Under Secy.

MINISTRY OF LABOUR

New Delhi, the 5th May 1954

S.R.O. 1600.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Madurai, in the matter of applications under section 33A of the said Act from Shri K. B. Bastian and others, workmen of Messrs. Matheson Bosanquet and Co., Ltd.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, MADURAI.

Friday, the 26th March, 1954

PRESENT:—

Sri E. Krishnamurthi, M.A., B.L., Industrial Tribunal at Madurai.

INDUSTRIAL DISPUTE NO. 253 TO 273 (CENTRAL)/53.

INDUSTRIAL DISPUTE NO. 258 (CENTRAL)/53.

BETWEEN:—

K. B. Bastian, Nazareth—*Petitioner.*

AND

M/s. Matheson Bosanquet & Company Limited, Fort Cochin—*Respondents.*

INDUSTRIAL DISPUTE NO. 254 (CENTRAL)/53.

BETWEEN:—

P. M. Anthappan, Nazareth—*Petitioner.*

AND

M/s. Matheson Bosanquet & Company Limited, Fort Cochin—*Respondents.*

INDUSTRIAL DISPUTE NO. 255 (CENTRAL)/53.

BETWEEN:—

C. R. Manual, Nazareth—*Petitioner.*

AND

M/s. Matheson Bosanquet & Company Limited, Fort Cochin—*Respondents.*

INDUSTRIAL DISPUTE NO. 256 (CENTRAL)/53.

BETWEEN:—

T. K. Chellappan, Nazareth—*Petitioner.*

AND

M/s. Matheson Bosanquet & Company Limited, Fort Cochin—*Respondents.*

INDUSTRIAL DISPUTE No. 257 (CENTRAL)/53.

BETWEEN:P. A. Anthony, Nazareth—*Petitioner.*

AND

M/s. Matheson Bosanquet & Company Limited, Fort Cochin—*Respondents.*

INDUSTRIAL DISPUTE No. 258 (CENTRAL)/53.

BETWEEN:P. V. Devassy, Moolankuzhi—*Petitioner.*

AND

M/s. Matheson Bosanquet & Company Limited, Fort Cochin—*Respondents.*

INDUSTRIAL DISPUTE No. 259 (CENTRAL)/53.

BETWEEN:K. J. Agustine, Nazareth—*Petitioner.*

AND

M/s. Matheson Bosanquet & Company Limited, Fort Cochin—*Respondents.*

INDUSTRIAL DISPUTE No. 260 (CENTRAL)/53.

BETWEEN:P. S. Ouseph, Nazareth—*Petitioner.*

AND

M/s. Matheson Bosanquet & Company Limited, Fort Cochin—*Respondents.*

INDUSTRIAL DISPUTE No. 261 (CENTRAL)/53.

BETWEEN:T. A. Bavachan, Nazareth—*Petitioner.*

AND

M/s. Matheson Bosanquet & Company Limited, Fort Cochin—*Respondents.*

INDUSTRIAL DISPUTE No. 262 (CENTRAL)/53.

BETWEEN:P. V. Xavier, Moolamkuzhi—*Petitioner.*

AND

M/s. Matheson Bosanquet & Company Limited, Fort Cochin—*Respondents.*

INDUSTRIAL DISPUTE No. 263 (CENTRAL)/53.

BETWEEN:M. L. Anthappan, Palluruthy—*Petitioner.*

AND

M/s. Matheson Bosanquet & Company Limited, Fort Cochin—*Respondents.*

INDUSTRIAL DISPUTE No. 264 (CENTRAL)/53.

BETWEEN:K. V. Rocky, Nazareth—*Petitioner.*

AND

M/s. Matheson Bosanquet & Company Limited, Fort Cochin—*Respondents.*

INDUSTRIAL DISPUTE No. 265 (CENTRAL)/53.

BETWEEN:K. L. Anthony, Nazareth—*Petitioner.*

AND

M/s. Matheson Bosanquet & Company Limited, Fort Cochin—*Respondents.*

INDUSTRIAL DISPUTE No. 266 (CENTRAL)/53.

BETWEEN:Joseph D'Silva, Nazareth—*Petitioner.*

AND

M/s. Matheson Bosanquet & Company Limited, Fort Cochin—*Respondents.*

INDUSTRIAL DISPUTE No. 267 (CENTRAL)/53.

BETWEEN:O. C. Philip, Jew Town, Cochin—*Petitioner.*

AND

M/s. Matheson Bosanquet & Company Limited, Fort Cochin—*Respondents.*

INDUSTRIAL DISPUTE No. 268 (CENTRAL)/53.

BETWEEN:M. A. Choura, Nazareth—*Petitioner.*

AND

M/s. Matheson Bosanquet & Company Limited, Fort Cochin—*Respondents.*

INDUSTRIAL DISPUTE No. 269 (CENTRAL)/53.

BETWEEN:P. K. Kumaran, Nazareth—*Petitioner.*

AND

M/s. Matheson Bosanquet & Company Limited, Fort Cochin—*Respondents.*

INDUSTRIAL DISPUTE No. 270 (CENTRAL)/53.

BETWEEN:K. V. Joseph, Manthera, Cochin—*Petitioner.*

AND

M/s. Matheson Bosanquet & Company Limited, Fort Cochin—*Respondents.*

INDUSTRIAL DISPUTE No. 271 (CENTRAL)/53.

BETWEEN:K. X. Varghese, Nazareth—*Petitioner.*

AND

M/s. Matheson Bosanquet & Company Limited, Fort Cochin—*Respondents.*

INDUSTRIAL DISPUTE No. 272 (CENTRAL)/53.

BETWEEN:P. M. Xavier, Nazareth—*Petitioner.*

AND

M/s. Matheson Bosanquet & Company Limited, Fort Cochin—*Respondents.*

AWARD

By Order No. L.R.2(345)I, dated 14th October 1952, of the Government of India, Ministry of Labour, New Delhi, the industrial dispute between certain employers of stevedore labour and their workmen at Port Cochin, was referred to this Tribunal for adjudication.

2. Pending adjudication of the said dispute, these petitions I.D. Nos. 253 to 272 (Central) of 1953 have been filed by various workers against the common respondent M/s. Matheson Bosanquet and Company Limited, Fort Cochin. The allegations in the several petitions preferred by several petitioners are practically the same, and they are to the effect, that the several individual petitioners were working as head load labourers under the opposite party in their Willingdon Island Godown, that the respondents have introduced a change in the conditions of service to their prejudice without the permission of the Tribunal, that there is a contravention of Section 33 of the Industrial Disputes Act of 1947, that the respondent must be directed to restore the *status quo*, and that such further directions should be given as are necessary in the interests of justice.

3. The respondent raises a common defence in all these petitions, and it is alleged in the several counters filed, that there has been no violation of Section 33, that there has been no change in the conditions of service, and that the several petitions should be dismissed.

4. The following issues were framed:—

1. Whether there is a change in the conditions of service?
2. Whether the work done by the several workers is purely casual and whether the workers are not entitled to any relief as contended on behalf of the management?
3. Whether Section 33 of the Industrial Disputes Act has been contravened?
4. To what relief, if any, are the petitioners entitled?

5. Issues Nos. 1 to 4.—The several petitions have been preferred by several head load workers working in Cochin. Their complaint is, that during the pendency of adjudication of I.D. No. 18 (Central) of 1951 the respondent effected a change in the conditions of service to the prejudice of the several workers without the permission of this Tribunal and that this is a contravention of Section 33 of the Industrial Disputes Act.

6. According to the case of the petitioners each of them is an employee of the respondent M/s. Matheson Bosanquet & Company Limited Fort Cochin. They are workmen employed under the opposite party as head load workers in their Willingdon Island Godown and have put in service of 3 years and more each of them is being paid on a piece rate basis and the earnings depend upon the quantum of work available. The opposite party let out on contract certain items of work previously done by the several petitioners. Thereby they were deprived of the benefit of doing these items of work. This resulted in reduction of their earnings. It is accordingly urged that the opposite party introduced a change in the conditions of service, to the prejudice of the petitioners without the permission of the Tribunal. The contention on behalf of the respondent is, that the labour concerned is purely casual. Apart from this it is asserted that no work was given on contract, that all the available work has been given on the usual terms to the several petitioners from the destination points at Willingdon Island for goods received either by Vallam or by lorries, and that there has been no change in the conditions of service at all.

7. At the time of the enquiry both parties were persuaded to agree to a settlement. They have filed a joint memo, which is marked as Ex. W.1 in I.D. No. 253 (Central) of 1953, and it is in the following terms:—

"As the dispute no longer exists I pray the permission of the Hon'ble Tribunal to withdraw them.

It is prayed that it be ordered accordingly.

For the Petitioners,

(Sd.) C. A. GEORGE.

A. GEORGE CHADAYAMURY.

Dated this the 16th day of March 1954.

(Sd.) C. A. GEORGE.

The opposite Party does not press for costs.

(Sd.) K. V. R. SHENOY,

Advocate for the opposite Party.

16-3-54."

The above settlement is accepted.

8. In view of the fact that the petitions are not pressed and are now withdrawn all the several petitions are dismissed. There will be no order as to costs.

9. An award is passed accordingly.

Dated at Tirunelveli Camp, this the 26th May of March 1954.

(Sd.) E. KRISHNAMURTHI,
Industrial Tribunal at Madurai.

List of Documents marked

For the workers:—

Ex. W. 1.—Joint memo, dated 16th March 1954, submitted by the parties in I.D. No. 253 (Central) of 1953.

For the management:—'Nil'.

E. KRISHNAMURTHI,
Industrial Tribunal at Madurai.

[No. LR.2(345).]

S.R.O. 1601.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Shri Arjun Singh and eight others, workmen of Bansdeopur Colliery.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD.

APPLICATION No. 115 OF 1953

(Arising out of Reference No. 6 of 1952).

In the matter of an application U/S 33A of Industrial Disputes Act, 1947.

PRESENT:

Shri L. P. Dave, B.A., LL.B., Chairman.

PARTIES:

1. Arjun Singh,
2. Ramswarupp Singh,
3. Saman Bhuiyan,
4. Puna Bhuiyan,
5. Parbatia Bhuni,
6. Bengia Bhuiyan,
7. Sanpatia Bhuiyan,
8. Faguni Bhuiyan,
9. Bishun Ram—All workmen of Bansdeopur Colliery, P. S. Kendwadih,
Dt. Manbhum.—Complainants.

Vs.

The Management of Bansdeopur Colliery, New Bansdeopur Coal Co Ltd., P.O. Kusunda, Dist. Manbhum.—Opposite Party.

APPEARANCES:

Shri B. N. Sharma, General Secretary, Tata Collieries Labour Association,
P.O. Jealgora, Dt. Manbhum.—For the complainants.

Shri S. S. Mukherjea, B.Sc., B.L., Pleader, Dhanbad.—For the Opposite Party.

AWARD.

This is a complaint under Section 33A of Industrial Disputes Act.

2. This complaint was originally filed by nine employees of the Bansdeopur Colliery alleging that the opposite party had illegally dismissed them during the pendency of Reference No. 6 of 1952 without the express permission of the Tribunal and they therefore requested that they should be reinstated with retrospective effect.

3. By its written statement the opposite party dealt with the cases of the different complainants separately and stated as to how and why their services were terminated. I shall deal with the case of the different complainants one by one.

4. *Gangia Bhuiyan.*—The opposite party alleged in the written statement that there was no workman of this name but that there was a workman named Gangia Bhuiyan and that she fled away from the colliery on 18th May 1951 and left the job of her own free will and did not report for duty. Reference No. 6 of 1952 was referred to this Tribunal by Government by order dated 5th May 1952. Under Section 20(3) of the Industrial Disputes Act, proceedings before the Tribunal are deemed to have commenced on the date of reference of a dispute for adjudication. In other words, the proceedings in Reference No. 6 of 1952 commenced on 5th May 1952. A complaint under Section 33A would be maintainable only in case of those employees against whom the employer has taken action in contravention of the provisions of Section 33 during the pendency of proceedings before a Tribunal. The action, if any, taken against this complainant, was on 18th May 1951 i.e., long before the commencement and pendency of Reference No. 6 of 1952. There was thus no breach of Section 33 of Industrial Disputes Act and hence she could not maintain a complaint under Section 33A of Industrial Disputes Act. As a matter of fact, at the time of hearing, Mr. Sharma who appeared on behalf of the complainants, stated that he did not want to proceed with the case of this workman. On the whole, I reject the complaint of this complainant.

5. *Puna Bhuan*.—According to the management, this workman also left his work of his own accord on 13th March 1952. On that date, the above reference was not pending and even if his services were wrongfully terminated by the management, there could not be a breach of Section 33 and no complaint under Section 33A would be maintainable. In his case also, Mr. Sharma has filed a statement that he did not want to proceed with the case of this workman. His complaint also therefore fails.

6. *Saman Bhuan, Perbatia Bhuri, Seepatia and Faguni Bhuini*.—The cases of these four workmen can be taken up together. According to the management, all these workmen left their jobs of their own accord and of their own free will on 18th May 1952 and since then, they did not resume or report for duty. The opposite party therefore treated the absence as their voluntary resignation. In the complaint, the complainants had not given any details about the termination of their services. They were called upon to give a detailed statement replying to the written statement of the management and thereupon they did so. In that statement Exhibit 9, they have alleged that these workmen were working as wagon loaders. They further alleged that the quality of coal produced by the company was bad and stony coal was fixed with some good coal and loaded into wagons. When customers got annoyed and complained to the Manager, he in order to please and satisfy the customers, threw the blame of bad loading on the loading staff. On 18th May 1952, the above named wagon loaders were asked to load their wagons for steam coal by picking from run of mine coal. The number of wagon loaders was not sufficient and they asked the manager to increase their number. The manager told them that this was illegal strike and saying so he terminated their services. It was further alleged that no charge sheets were served on these workmen nor was any enquiry made in this matter before terminating their services.

7. It appears that there was a strike by wagon loaders of this colliery on and from 18th May 1952 or 19th May 1952. On the management making an application to the Regional Labour Commissioner under Section 8 of the Coalmines Bonus Scheme Act, the Regional Labour Commissioner by order passed on 13th June 1952 declared that the strike was illegal. A copy of this order has been produced by the management with the list Exhibit 11. It is thus clear that the wagon loaders of the colliery had gone on illegal strike from 19th May 1952.

8. In the above statement filed by the workmen, they have alleged that on 18th May 1952 they were asked to load wagons for steam coal by picking from run up mine and further that the number of wagon loaders was six whereas the number should have been ten and when they requested that the work could not be done due to shortage of hands, the manager treated it as an illegal strike. The manager of the colliery (Mr. Carapiet), in his deposition Exhibition 16, has stated that on 18th May 1952 they were not supplied with any wagons for loading steam coal and that they were supplied with two wagons only for loading soft coke on that date. He has also denied that instructions or directions were given to the workmen to mix superior quality of coal with inferior quality of coal and pass the mixture as superior quality. He has lastly said that they had only one grade of coal in the colliery. The allegation of the workmen that the wagon loaders were asked on 18th May 1952 to load wagons for steam coal by picking from run up mine coal cannot be believed, because on that date, there were no wagons to be loaded with steam coal. There is also no evidence to show that the wagon loaders could not do their work, because of shortage of hands. Actually the Regional Labour Commissioner declared that the wagon loaders had gone on illegal strike, and the workmen have not filed any appeal against that decision.

9. It would thus be clear that the above complainants went on illegal strike from 19th May 1952. They allege that their services were terminated from that date. On the other hand, the management urge that these workmen absented themselves from this date and never returned to duty. Looking to the fact that these workmen had gone on illegal strike and ceased to work of their own accord and looking to the further fact that they took no action for reinstatement till they filed this complaint on 17th June 1953, I believe the allegations of the management and hold that these workmen had remained absent of their own accord. If it was the management, who had terminated their services, the workmen would have taken some action and not kept silent for over a year. I do not believe that they were dismissed from service from 19th May 1952.

10. It may be noted that it was more than a year after the above incident that the present complaint has been filed. I feel that but for the fact that the management terminated the services of the complainant Arjun Singh, these workmen would not have come to the court or filed this complaint, and that Arjun Singh must have induced these workmen to join in the complaint which he was

filling. As I showed above, two of the complainants had either left their jobs or were dismissed long before Reference No. 6 of 1952 was referred to this Tribunal and still they have joined in the complaint. These four complainants also do not appear to have taken any steps between May 1952 and June 1953 for re-employment in this colliery.

11. The opposite party has alleged that some of these persons had obtained jobs at other collieries. This allegation has not been denied by the complainants even in the statement (exhibit 9) filed by them in reply to the written statement of the management, nor has any of the complainants been examined to show that this allegation is not correct.

12. It was argued by Mr. Sharma that the management could not have terminated the services of these complainants without issuing a charge sheet and without hearing them. Under the standing orders applicable to the coal mining industry, continuous absence without permission and without satisfactory cause for more than ten days would amount to misconduct; but before passing an order of punishment for misconduct, the management ought to have served a charge sheet on the workmen. It was said that the management did not know the addresses of the workmen and could not serve them with the charge sheets. There is nothing to show that the management made any attempt to serve these complainants with a charge sheet. They did not appear even to have issued any charge sheet and it could not therefore be said that they wanted to serve the complainants with a charge sheet. The management by not issuing a charge sheet have therefore infringed the provisions of natural justice.

13. Mere non-issue of a charge sheet however would not mean that the complainants would be entitled *ipso facto* to be reinstated. It would only mean that the Tribunal would be justified in going into the merits of the case and to decide whether the termination of services was justified and whether the complainant was entitled to be reinstated. In the present case, the complainants, as I said above, left the job of their own accord from 19th May 1952 and never came back or claimed to be allowed to work. They remained absent without leave not only for more than 10 days but even more than a year. They have not shown any satisfactory cause for their absence for all this period. Their conduct in remaining silent for over a year after their absence and their further conduct in not giving any explanation for their absence and also in not denying that they had obtained jobs elsewhere goes to show that they did not want to work at the colliery. Their conduct clearly amounted to misconduct and they do not deserve to be reinstated. I would therefore dismiss the complaint of these four workmen.

14. *Bishun Ram*.—This complainant was working as a Loading Clerk. The allegation against him was that his work was not found satisfactory and he was often warned but as he did not improve, he was ultimately discharged on giving him a month's wages in lieu of notice. Letters dated 12th March 1951, 25th June 1951, 15th November, 1951 and 29th January 1952 have been produced to show that this workman had been often warned for negligence. In the letter of 15th November 1951, he was warned that if the order prohibiting loading at night was violated, drastic action would be taken against the person concerned. In the letter dated 29th January 1952, he was referred to a letter received from the Coal Area Superintendent regarding over-loading of wagons (this letter has also been produced). The letter then mentions that though this workman was repeatedly instructed and warned, he was unable to do the work properly or was not willing to do so and in either case the management could not tolerate his negligence any further. They therefore gave him a month's notice that unless he paid proper attention, his services would expire at the end of the month. It appears that in spite of this, the work of the complainant did not improve and his services were ultimately terminated on 8th May 1952 and he was given a month's salary in lieu of notice.

15. Under clause 21 of the Standing Orders the management could terminate the employment of an employee on giving him one month's notice in writing. There is no allegation that the action of the management in terminating the services of this complainant was not *bona fide*, or that it was actuated by improper or ulterior motives. The different letters above referred to go to show that the work of this complainant was unsatisfactory and he did not improve in spite of several warnings. In the circumstances, the management were justified in terminating his services after giving him due notice. This complainant is also therefore not entitled to re-instatement or compensation.

16. *Ram Swarup Singh*.—This complainant was working as a Loading Chaprasi. The management have raised a preliminary objection that this complainant was not a workman and as such this complaint was not maintainable.

They allege that the duties of Loading Chaprasi were to supervise the loading of coal into wagons and to be responsible for bad and defective loading. It is further alleged that the opposite party had received complaints from its customers about bad and defective loading and had also to pay demurrage on several occasions. The opposite party had issued several warnings to this complainant. In spite of this, on 26th April 1952 this complainant loaded wagons with unauthorised stuff. He was served with a charge sheet for this and his explanation was not found satisfactory, he was dismissed on 29th April 1952. On an undertaking given by the President of the Labour Union, the opposite party withdrew the order of dismissal on 1st May 1952 and suspended the workman for seven days. In spite of this, the complainant did not improve and neglected his duties by allowing shales and stones to be loaded into a wagon and for this a charge sheet was issued to him on 5th July 1952. His explanation was not found satisfactory and he was thereupon dismissed from 8th July 1952.

17. The complainants, in their reply to this written statement, urge that Loading Chaprasis were also workmen. It is then alleged that the loading of wagons was bad due to the coal being bad, and that whatever materials were produced by the colliery and accumulated at the railway siding were loaded by the workmen into wagons. It is further alleged that because of a strike which took place on 18th May 1952, the manager got angry with Arjun Singh and Ram Swarup Singh and said that they had no influence over the wagon loaders and they were useless and because of this, action was taken against these two persons.

18. The first question to be considered is whether this complainant was a workman or not. Admittedly he was working as a Loading Chaprasi. The manager Mr. Caraplet has stated that the duties of a Loading Chaprasi consisted in supervising the work of loading of wagons and that he had not to do any clerical or manual work. It was therefore urged that the duties of this complainant were merely supervisory and that he was not a workman.

19. The complainant was a peon, as his designation would show. It is true that mere nomenclature would not be sufficient to decide whether a person was a workman or not. We have however to bear in mind the nomenclature for deciding whether the duties of this complainant were only supervisory. The colliery has a loading supervisor, who also works as a loading clerk and his duties were also to supervise loading. If the duties of a chaprasi and a clerk were the same and if a chaprasi could do the same work, it is not likely that the employer would engage a clerk for doing the same work. There is nothing in writing to show as to what were the duties of a Loading Chaprasi. On being questioned, Mr. Caraplet had to admit that occasionally the Loading Chaprasis were asked to carry chalans from Coal Depot to the Office. He however said that it was the normal duty of the Loading Supervisor to do this work. This is unnatural and cannot be believed. Carrying of papers like chalans would ordinarily be the duty of a peon and not of a clerk. I do not believe the manager when he says that the work of carrying of chalans was the normal duty of the Loading Supervisor. In my opinion, it would and must be the normal duty of the loading chaprasi. The manager has also admitted that whenever a wagon was received at the depot, it was the normal duty of the Loading Chaprasi to go to the quarters of the Loading Coolies to call them and to ask them to start work. This is certainly manual work. In my opinion, manual work was part of the normal duties of Loading Chaprasis and they would therefore be workmen.

20. Coming to the merits of the case, so far as this complainant is concerned, we find that the management had issued letters of warnings to him on 15th April 1948, 2nd May 1948, 8th April, 1949, 14th April 1949, 11th September 1950, 12th March 1951, 25th June 1951, 13th November 1951, and 15th November 1951 regarding negligence in loading of wagons. It has been suggested that this was done only to satisfy the customers; but there is nothing to substantiate this allegation, which has been denied by the Manager. This would show that this complainant was found negligent in his duties on several occasions in 1951 and even earlier.

21. We then find that he was served with a charge sheet on 26th April 1952. The charge sheet was as under:—

“You have been repeatedly instructed and warned to pay particular attention to loading. This morning you have loaded unauthorised stuff to be put into wagons deliberately.”

On 27th April 1952, he replied to the charge sheet stating that he had been asked about 4 or 5 days before to keep the coal atleast 25 feet from the railway line and hence when the wagons were being supplied, he used to ask the coolies to shift

the coal which was (lying) by the side of the (railway) line. They misunderstood the order and loaded that coal into the wagons. He further said that there would be no complaint in respect of that wagon and that there was no mistake on his part. On 29th April 1952, the manager wrote a letter to him stating that his statement was not correct, convincing or satisfactory, and that his past records showed that he was habitually neglecting his duties, and hence he was dismissed. It appears that after this the President of the Labour Union approached the management and at his instance, the management withdrew the order of dismissal and suspended him for seven days instead. In the letter written by the Manager to the complainant, he said that the President had given him to understand that there would be no more neglect by the complainant in his duties and that this would be the last chance given to him. He was also strongly warned that if he neglected his duties, he would not be given any more chance.

22. This complainant was again served with a charge sheet dated 5th July 1952, in which it was alleged that he had neglected his duty on 27th June 1952, by allowing shale and stone to be loaded in wagon No. E.I.R. 28361 and B.N.R. 21856, and that a complaint was made about it by the Inspector of Coal Superintendent of State Railways. The reply to this charge sheet was that the allegations were false and that the Inspector had got in only the B.N.R. wagon and threw out some pieces of coal, saying that they were shales. It was further stated that if the Manager was present at the time the complainant would have shown how the Inspectors were doing the work of checking and were troubling the loading staff. This explanation was not found satisfactory and this complainant was dismissed.

23. As I mentioned above, various letters produced by the management go to show that the work of this complainant was not found satisfactory for several years, and that several letters of warnings were issued to him. The suggestions made by him in his reply to the written statement of the opposite party that the Manager became angry against him because of the strike of the wagon loaders in 1952 and ultimately took action of dismissing him cannot be believed, because the work of his complainant was not satisfactory from as late as 1948, and several letters had been issued to him between 1948 and 1952. In respect of the last incident which resulted in his final dismissal, a letter was written to the management by the Coal Superintendent of the State Railway Collieries stating that one of his Loading Inspectors had found that the loading of two wagons to be below the required standard, and that they contained a high percentage of shale and stony coal. It was as a result of this letter that a charge sheet was issued to the complainant on 5th July 1952. In his reply, the complainant admitted that the Inspector of the Superintendent of State Collieries had gone for inspection; but he alleged that the Inspector went inside only one wagon and threw some pieces of coal, saying that they were shales. I do not believe this. There was no reason why false allegations should have been made by an independent person like the Inspector of the State Railways about bad loading. In my opinion, the management were justified in holding that the charge against the complainant was proved and were also justified in dismissing him, especially because of his bad record. This complainant was dismissed on 8th July 1952, and yet for nearly a year, he took no action and filed this complaint (or rather joined in this complaint) on 17th June 1953. In my opinion, this complainant is also not entitled to any relief.

24. *Arjun Singh*.—This complainant was also working as a Loading Chaprasi and was dismissed from 8th January 1953. It is alleged that this complainant was also not carrying out the instructions given to him properly and was not supervising the loading properly. On 13th December 1952, eight wagons were despatched under-loaded and for this the opposite party had to suffer heavy demurrage. He was served with a charge sheet on 6th January 1953. His explanation was not found satisfactory and he was dismissed by letter dated 8th January 1953. Even after this, he was given an opportunity to disprove the charges and the Chief Mining Engineer made independent enquiries and confirmed the order of dismissal passed against him.

25. In the case of this complainant also, it has been alleged that he was not a workman as defined under the Industrial Disputes Act. He was working as a Loading Chaprasi. As shown above when considering the case of Ram Swarup Singh, I am satisfied that Loading Chaprasis had to do manual work. This complainant was therefore a workman as defined in the Industrial Disputes Act.

26. Coming to the merits of the case of this complainant, he was, as I said above, dismissed as a result of a charge sheet served on him on 6th January 1953. In that charge sheet, it was alleged that eight wagons were despatched under-loaded on 13th December 1952, showing the total under-load of 60 tons and odd, and that the under-load bill on two wagons came to Rs. 411-8-0. It further

mentioned that under-load bill for the other wagons had not been received till then. He was asked to show cause why disciplinary action should not be taken against him. The complainant replied to this charge sheet on 8th January 1953 stating that there were more wagons than the number of loaders who could load them and hence the wagons could not be completely loaded. He further mentioned that he had told the contractor's peon to arrange for some more loaders and he hoped that he would be able to do so but he informed him at the last minute that he could not arrange for more men, and that is why the wagons were drawn empty. Immediately on this reply being given by him, the Chief Mining Engineer sent him a letter on the very day (on 8th January 1953) stating that his reply was not satisfactory; that he had 20 hours to have the wagons loaded; that if the contractor's men could not load the wagons, it was his duty to report the matter to the Senior Officer and that there was habitual negligence and disobedience to orders and he was therefore dismissed.

27. It may be noted at the outset that before passing the order of dismissal, no enquiry of any sort was held. Actually the order of dismissal was passed on the very day on which the complainant gave his reply to the charge sheet. On getting this letter of dismissal, the complainant wrote a letter on 12th January 1953, to the Chief Mining Engineer, stating that the allegations that he had not reported the matter to any senior officer was not true, but he had reported the fact to one Devi Babu who went to the spot and tried to get the wagons loaded and had a hot discussion with the contractor's chaprasi who even tried to assault him. The complainant also mentioned that this fact was known to the Manager and the Assistant Manager. He further stated that the Assistant Manager went to the spot and asked certain other coolies to load the wagons but they refused to do so. He lastly stated that one Hansraj had tried to arrange for loaders but he also failed. It is alleged that after this the Chief Mining Engineer started some enquiries by correspondence by writing letters to the Manager and Assistant Manager and Devi Prasad, all of whom gave replies which did not support the complainant's allegations. Accordingly on 15th January 1953, the Chief Mining Engineer again wrote to the complainant that on receipt of his letter he had made thorough enquiry from which he found that his allegations were not correct. On 17th January 1953, the complainant again wrote to the Chief Mining Engineer replying to the letter of 15th. The Chief Mining Engineer again wrote to Devi Prasad, on 20th January 1953, referring to the complainant's letter of 17th January 1953, and asked him what the facts were. On 28th January 1953, Devi Prasad replied to this letter denying the allegations of the complainant. On that very day, the Chief Mining Engineer wrote to the complainant that he had made further and thorough investigation and come to the conclusion that the statement of the complainant was not correct. He then discussed the facts and ultimately stated that in the circumstances, the dismissal was justifiable and final.

28. Mr. Mukherjea on behalf of the opposite party argued that though there was no enquiry before the dismissal, the Chief Mining Engineer had held an enquiry by correspondence when the complainant wrote to him after the dismissal and from this enquiry it could be seen that he had evidence wrong which he could come to the conclusion that the charge was proved. In my opinion, the enquiry in this case has practically no value. The alleged enquiry was not held before dismissing the complainant. At the time when the order of dismissal was passed, the management had not the different statements before them from which they could say that the charge was proved. When the order of dismissal was passed, the complainant wrote a letter, which was rather strongly worded. It was thereafter that the Chief Mining Engineer started what Mr. Mukherjea called an "enquiry by correspondence." A proper enquiry could be held only after informing the complainant about it and in his presence. Further the complainant should have been given an opportunity to examine witnesses in support of his allegations. The Chief Mining Engineer did not write letters to all persons referred to in the letters of the complainant. He only wrote letters to the Manager, Assistant Manager, and Debi Babu, all of whom were the subordinates of the Chief Mining Engineer. Once an order of dismissal was passed, the person passing the order would ordinarily try to support it. The statements of subordinates after this could not be said to be unbiased. In my opinion, the alleged enquiry in this case has no value at all.

29. At this stage, I may mention that the allegation of this complainant is that there was a strike by the wagon loaders on 18th May, 1952, and the Manager of the colliery was angry with him for this, saying that he had no influence over the wagon loaders and his dismissal was because of this. I am satisfied from the record of the case that the management were angry and prejudiced against this workman after the strike of May 1952. Till then, there is not a single letter or

charge sheet against this complainant. Immediately after this strike, however, this complainant was served with a charge sheet on 24th May 1952, on the allegation that on 20th May 1952, he went to the quarters of a particular person and indulged in disorderly and indecent behaviour. The complainant denied this but he was warned. On 21st June 1952, a letter was written to him that a particular wagon was not found properly loaded in spite of the fact that he had been instructed to pay particular attention to loading. On 25th September 1952, he was served with a charge sheet that some wagons were loaded at night and that they were not loaded in a proper manner. On 5th November 1952, he was again served with a charge sheet about improper loading. This succession of charge sheets immediately after the strike coupled with the fact that there was not a single charge or letter of complaint or warning before the strike would support the complainant's allegation that the management were angry with him for the strike and said that he had no influence over the loaders, otherwise he would have prevented the strike.

30. If we judge the final charge sheet for which the complainant was dismissed in the light of the above background, it would appear that the management wanted to dismiss this complainant and were seeking an opportunity of doing so. They served him with a charge sheet and as soon as he gave a reply to it, they dismissed him without making any enquiry. Thereupon he wrote a strongly worded letter, which probably led the management to infer that he would not keep quiet over the dismissal but would take up the matter further. It was after this that a sort of enquiry was made by writing some letters and obtaining replies. The statements obtained after the dismissal was an accomplished fact would have no value. On the whole, I think that the dismissal of this workman was not *bona fide* but was actuated by improper and ulterior motives. That being so, the dismissal must be held to be improper and not justified and this complainant would be entitled to reinstatement.

31. In the result, it is ordered that the complainant Arjun Singh should be reinstated in his former job within fifteen days of this award becoming enforceable. He should also be paid his wages including dearness allowance and all other benefits as if he was in service all along. The arrears must be paid to him within fifteen days of the award becoming enforceable.

The other complainants are not entitled to reinstatement or to any other relief. Their complaint fails.

I pass my award accordingly.

[No. LR.2(365)/II.]

(Sd.) L. P. DAVE, Chairman.

The 9th April, 1954.

Central Government's Industrial Tribunal, Dhanbad.

ORDER

New Delhi, the 6th May 1954

S.R.O. 1602.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Hindustan Mercantile Bank Limited and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under Section 7 of the said Act.

SCHEDULE

Whether the discharge of Shri Ram Shankar Khanna, Assistant Accountant, Kanpur, from the service of the Bank was justified and, if not, whether he should be reinstated in the Kanpur Office of the Bank and paid his remuneration for the period of unemployment.

[No. LR-100(13)/54.]

P. S. EASWARAN, Under Secy.

New Delhi, the 5th May, 1954

S.R.O. 1603.—In pursuance of subparagraph (1) of paragraph 22 of the Employees' Provident Funds Scheme, 1952 the Central Government hereby appoints the Central Provident Fund Commissioner, Employees' Provident Fund, appointed under sub-paragraph (1) of paragraph 19 of the said Scheme, as the Secretary to the Central Board of Trustees, as constituted under the notification of the Government of India in the Ministry of Labour No. S.R.O. 1861, dated the 31st October, 1952.

[No. PF.33(2)/54.]

New Delhi, the 11th May 1954

S.R.O. 1604.—It is hereby notified for general information that in pursuance of the provisions of paragraph 20 of the Employees' Provident Funds Scheme, 1952 made under section 5 of the Employees' Provident Funds Act, 1952 (XIX of 1952), the Central Government hereby authorises Shri D. Mullick, Regional Provident Fund Commissioner for the State of West Bengal to discharge the functions of a Regional Commissioner under the said Act in the State of Chandernagore in addition to his own duties as a Regional Commissioner of the State of West Bengal.

[No. P.F.538(1).]

TEJA SINGH SAHNI, Under Secy.

New Delhi, the 7th May, 1954

S.R.O. 1605.—In pursuance of sub-rule (2) of rule 5 of the Coal Mines Rescue Rules, 1939, the Central Government hereby appoints Mr. G. W. Hogg, nominated by the Indian Mining Association, as a member of the Rescue Stations Committee constituted under the notification of the Government of India in the Ministry of Labour No. S.R.O. 23, dated the 31st December, 1951, vice Mr. R. A. F. Slatter, proceeded on leave ex-India.

[No. M-54(1)/54.]

A. P. VEERA RAGHAVAN, Under Secy.

New Delhi, the 7th May 1954

S.R.O. 1606.—The draft of the Mines Rules, 1954, which are proposed to be made in exercise of the powers conferred by section 58 of the Mines Act, 1952 (XXXV of 1952), is published as required by sub-section (1) of section 59 of the said Act for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration after the 31st August 1954.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified above will be considered by the Central Government.

DRAFT RULES FOR MINES UNDER SECTION 58 OF THE MINES ACT, 1952 (XXXV OF 1952).

CHAPTER I

PRELIMINARY

1. Short title and application.—(1) These rules may be called the Mines Rules, 1954.

(2) Except as otherwise expressly provided, the rules shall apply to every mine of whatever description to which the Act applies.

2. Definitions.—In these rules, unless there is anything repugnant in the subject or context—

(a) “the Act” means the Mines Act, 1952 (XXXV of 1952).

(b) “court of inquiry” means a court of inquiry appointed under section 24 of the Act;

(c) “form” means a form as given in the First Schedule;

(d) “section” means a section of the Act;

(e) “schedule” means a schedule appended to these rules;

- (f) "manager" includes Mine Superintendent;
- (g) "certifying surgeon" means a qualified medical practitioner appointed to be a certifying surgeon under section 11;
- (h) "month" means a calendar month;
- (i) "calendar year" means a year from the first day of January to the thirty-first day of December;
- (j) "shift" means each of the different periods of the day during which work of the same kind is carried out by one or more relay of workers;
- (k) the pronoun he and its derivatives are used for any person whether male or female;
- (l) words importing a singular number include the plural number and words importing plural number include the singular number.

CHAPTER II

MINING BOARD

3. Mine owners' representatives.—The two members referred to in clause (d) of sub-section (1) of section 12 shall be nominated from time to time in the manner specified by the Central Government by notification in the Official Gazette.

4. Miners' representatives.—(1) Where in any part of the territories to which the Act extends, or for any group or class of mines, a Mining Board is constituted—

- (a) if there is one registered trade Union of miners entitled to nominate one or two members in accordance with sub-clause (i) or sub-clause (ii) of clause (e) of sub-section (1) of Section 12, the Central Government shall call on such trade union to nominate one or two persons as the case may be;
- (b) if there are two or more registered trade unions of miners entitled to nominate one or two members in accordance with the said provisions of the Act, the Central Government shall, for each vacancy, call on such registered trade unions, in rotation in such order or priority as it may deem fit, to nominate a person to fill in the vacancy.

5. Term of office.—A person nominated under clause (c), clause (d) or clause (e) of sub-section (1) of Section 12 shall, unless he resigns his office or dies at an earlier date, hold office for a period of three years from the date of the notification appointing him a member of the Board and shall be eligible for re-nomination:

Provided that a member shall, notwithstanding the expiration of his term, continue to hold office until his successor is appointed.

6. Resignation.—(1) A member other than the Chairman may resign his office by writing under his hand addressed to the Chairman.

(2) The Chairman may resign his office by writing under his hand addressed to the Central Government.

(3) The resignation referred to in sub-rule (1) or sub-rule (2) above shall take effect from the date of its acceptance by the Chairman or the Central Government as the case may be.

7. Absence from India.—(1) Before a member leaves India—

- (a) he shall intimate to the Chairman the date of his departure from and the date of his expected return to India;
- (b) if he intends to be absent from India for a period longer than six months, he shall tender his resignation.

(2) If any member leaves India without taking the action required by sub-rule (1) he shall be deemed to have resigned with effect from the date of his departure from India.

8. Notification of vacancies.—(1) The chairman shall inform the Central Government as soon as a vacancy occurs in the membership of the Board by the resignation or death of a member.

(2) In case such a vacancy occurs by the death of the Chairman information shall be furnished to the Central Government by the Chief Inspector or the

Inspector nominated to the Board by the Central Government as the case may be.

9. Disposal of business.—(1) All questions which the Board is required to consider shall be considered either at its meetings or by circulation of papers as the Chairman may direct:

Provided that papers need not be circulated to any member who is absent from India at the time.

(2) When a question is referred by circulation of papers any member may request that the question be considered at a meeting of the Board, and thereupon, the Chairman may direct that it be so considered:

Provided that if three or more members make such a request, the Chairman shall direct that it be so considered.

10. Time and place of meetings.—The Board shall meet at such places and times as may be appointed by the Chairman.

11. Notice of meetings.—(1) The Secretary to the Board shall give at least fourteen days notice to every member of the Board present in India of the time and place fixed for each meeting and shall send to every such member agenda of business to be disposed of at that meeting not less than seven days before the meeting:

Provided that when an emergent meeting is called, such notice shall not be necessary.

(2) No business which is not on the agenda shall be considered at a meeting without the permission of the Chairman.

12. Presiding at meetings.—The Chairman shall preside at every meeting of the Board at which he is present. If the Chairman is absent from any meeting, the members present shall elect one of them to preside over the meeting and the member so elected shall at that meeting exercise all the powers of the Chairman.

13. Quorum.—No business shall be transacted at a meeting of the Board unless at least four members are present:

Provided that at any meeting in which less than four members are present, the Chairman may adjourn the meeting to a date not less than fourteen days later and inform the members present and notify other members that he proposes to dispose of the business at the adjourned meeting irrespective of the quorum, and it shall, thereupon, be lawful to dispose of the business at such adjourned meeting irrespective of the number of members attending.

14. Decision by majority.—(1) Every question referred to the Board by circulation of papers shall, unless the Chairman, in pursuance of sub-rule (2) of rule 9, reserves it for consideration at a meeting, be decided in accordance with the opinions of the majority sending their opinions within the time allowed.

(2) All questions referred to a meeting of the Board shall be decided by a majority of votes of the members present and voting on that question.

(3) In the case of an equal division of votes, or opinions, the Chairman shall exercise an additional vote or opinion.

(4) Any member disagreeing with a decision of the Board may enter a note of dissent which shall form part of the record of the proceedings.

15. Minutes of the meetings.—(1) The Secretary of the Board shall circulate the proceedings of each meeting to all members of the Board, present in India, and thereafter record the proceedings in a minute book which shall be kept for permanent record. (2) The record of the proceedings of each meeting shall be signed by the Chairman.

16. Correspondence and Accounts.—The Secretary of the Board shall conduct all the correspondence of the Board and keep its accounts.

17. Appearance at hearings.—Any appearance required to be made by a party before the Board, except for purposes of being examined as a witness, may be made either in person or by his agent duly authorised in writing, or by a legal practitioner on his behalf.

18. Proceedings to be in camera.—Unless the Chairman otherwise directs, the proceedings of the Board shall be conducted *in camera* and shall be regarded as confidential in nature.

CHAPTER III

COURTS OF INQUIRY

19. Examination on behalf of interested parties.—(1) Where a court of inquiry has been appointed to inquire into an accident at any mine which resulted in loss of life, the court shall permit any of the following persons to attend the sessions at which evidence is taken:—

- (a) any relative of the person killed in the accident;
- (b) any person appointed by an order in writing in that behalf by—
 - (i) a majority of the workmen employed at the said mine; and
 - (ii) any registered trade union to which the person killed in the accident, belonged at the time of his death or of which not less than ten persons employed in the mine are members;
- (c) the owner, agent and manager of the mine;
- (d) any person appointed by an order in writing in that behalf by any association of employers to which the owner of the mine belongs;
- (e) any person appointed by an order in writing in that behalf by any Association to which any official of the mine belongs.

(2) Any person permitted to attend under sub-rule (1) may attend in person or through a legal practitioner and may personally or by such legal practitioner put to any witness such questions as the court considers relevant and proper.

(3) In addition to the persons mentioned in sub-rule (1), the court may permit any person engaged in the mining industry or profession and able to follow the proceedings intelligently, to attend the sessions of the Court, subject to such conditions as the Court may like to impose.

20. Recovery of expenses.—(1) If a court of inquiry finds that the accident was due to any carelessness or negligence on the part of the management the court may direct the owner, agent or manager of the mine to pay all or any part of the expenses of the inquiry.

(2) The amount directed to be paid under sub-rule (1) may on application by the Chief Inspector or Inspector to a Magistrate having jurisdiction at the place where the mine is situated, or where such owner, agent or manager is for the time being resident, be recovered by attachment and sale of any movable property within the limits of the Magistrate's jurisdiction belonging to such owner, agent or manager.

CHAPTER IV

CERTIFYING SURGEONS

21. Powers of Certifying Surgeon.—The Certifying Surgeon may make such inspection, examination or inquiry as he thinks fit in any mine, and the owner, agent or manager thereto shall afford to him all reasonable facilities for carrying out the duties prescribed for him in these rules.

22. Duties of Certifying Surgeon.—(1) The Certifying Surgeon shall upon the request by the Chief Inspector or an Inspector carry out such examination and furnish him with such report as he may indicate in any mine or class or description of mines where operations involve any risk of injury to the health of any person or class of persons employed.

(2) For the purpose of examination and certification of adolescents, who wish to obtain certificate of fitness, the Certifying Surgeon shall arrange a suitable time and place for the attendance of such persons, and shall give previous notice in writing of such arrangements to the managers of the mines concerned within the local limits assigned to him.

23. Certificate of fitness.—(1) A certificate of fitness granted in Form K shall be deemed to be a certificate granted in the prescribed form for the purposes of Sections 40, 43 and 47.

(2) Every Certificate of fitness granted by the Certifying Surgeon shall be prepared by filling up the foil and counterfoil on both of which shall be impressed the left hand thumb mark of the adolescent in whose names the certificate is granted.

(3) The Certifying Surgeon shall, when satisfied as to the correctness of the entries made therein, sign the foil and initial the counterfoil and shall deliver the foil to the applicant unless the adolescent has been examined as provided

for in sub-section (5) of Section 41 in which case he shall deliver the foil to the manager of the mine in which the adolescent desires to be employed.

(4) The Certifying Surgeon revoking a certificate under sub-section (2) of Section 41, shall write the words "Revoked" in red ink on the foil and counterfoil.

24. Metal token.—(1) The Certifying Surgeon shall issue to every adolescent to whom a certificate of fitness is granted, a metal token stamped with the letter 'P' and bearing the same serial number as the certificate.

(2) The person to whom such token is issued shall so long as the corresponding certificate remains in force, retain such token in his immediate possession and shall not transfer it or dispose it of. In the event of the corresponding certificate being revoked the token shall be returned to the Certifying Surgeon.

(3) A record of every token so issued and the person to whom it was issued shall be maintained by the Certifying Surgeon.

25. Duplicate Certificate or token.—(1) If the Certifying Surgeon is satisfied that a certificate of fitness or token granted under these rules has been lost or otherwise mislaid, he may after such verification, as he deems fit, grant a duplicate certificate or token. The word "Duplicate" shall be stamped on the token and shall be clearly written in red ink across any such duplicate certificate and its counterfoil. The duplicate certificate and the counterfoil shall be respectively signed and initialled by the Certifying Surgeon.

(2) For every duplicate certificate or token granted under sub-rule (1) of this rule a fee of one rupee shall be charged. The certifying surgeon shall maintain a register of all duplicate certificates and tokens so issued and shall initial each entry therein.

(3) No duplicate certificate or token shall be granted to any adolescent otherwise than in accordance with the provisions of this rule.

26. Re-examination.—(1) Every adolescent in respect of whom a certificate of fitness has been issued, so long as he remains employed in a mine shall be re-examined by the Certifying Surgeon within twelve months of the last previous examination.

(2) The Certifying Surgeon shall upon making such re-examination make necessary entries in the said certificate both on the foil and counterfoil and deliver the foil to the manager of the mine.

27. Fresh examination.—(1) If any person sent up for medical examination in pursuance of section 40 or section 43 or section 47 is not certified as fit by the certifying surgeon, he shall not, without the permission in writing of an Inspector, be sent for another medical examination unless a period of six months has elapsed from the time when he was last sent up for medical examination.

(2) Any certificate obtained in contravention of sub-rule (1) shall be ineffective.

CHAPTER V

HEALTH AND SANITATION PROVISIONS

28. Quantity of drinking water.—(1) The quantity of drinking water to be provided in a mine or any part thereof shall be at least as many gallons as there are persons employed at any one time and such drinking water shall be readily available at conveniently accessible points during the whole of the working shift.

(2) Where 100 persons or more are employed either above ground or in opencast workings at any one time an Inspector may by order in writing require the drinking water to be effectively cooled.

(3) No charge shall be made for the drinking water so supplied.

29. Storage of drinking water.—(1) If drinking water is not provided from taps connected with a water supply system, it shall be kept cool in suitable vessels sheltered from the weather and renewed every day. All practical steps shall be taken to preserve the water and the containing vessels in a clean and hygienic condition.

(2) If the source of drinking water is not from a public water supply system, an Inspector may by order in writing require the owner, agent or manager of the mine to submit with the least possible delay a certificate from a competent health authority or analyst as to the fitness of the water for human consumption.

30. Decision of Chief Inspector final.—If any question arises as to whether water supply arrangements are satisfactory and in accordance with the requirements of section 19 and rules 28 and 29 the decision of the Chief Inspector shall be final.

31. Surface latrines and urinals.—(1) On the surface at every mine adequate latrine and urinal accommodation shall be provided at conveniently accessible places separately for the use of males and females employed in the mine.

(2) The scale of latrine accommodation shall be at least one seat for every 50 males and at least one seat for every 50 females employed at any one time:

Provided that where sanitary latrines are maintained in bathing places, the number of latrines to be provided under this rule may include such sanitary latrines.

Note.—In calculating latrine accommodation any fraction less than 50 shall be reckoned as 50.

32. Standards of construction.—Every latrine on the surface provided for the use of persons employed in a mine shall conform to the following standards of construction—

- (a) it shall be on a site approved of in writing by an Inspector;
- (b) it shall be built of brick or other suitable building material;
- (c) it shall be adequately drained and properly ventilated and afford effective protection from the weather;
- (d) where an adequate supply of water is readily available it shall be of a water-borne type and in any other case it shall be of a type approved of in writing by an Inspector;
- (e) the floors and any interior surfaces of walls up to a height of four feet shall be cement punned or otherwise so finished as to provide a smooth impervious surface;
- (f) it shall be partitioned off so as to secure privacy and shall have a proper door and fastenings and where a latrine intended for the use of one sex adjoins a latrine intended for the use of other sex, the approaches shall be separate;
- (g) where a latrine is not of a water-borne type, the service chamber shall be provided with an efficient trap door and the receptacles for night-soil shall be of galvanized iron;
- (h) the interior walls, ceilings and partitions shall be white-washed once at least in every four months, and the date of such white washing shall be recorded in a book kept at the mine for the purpose:

Provided that this requirement regarding white washing shall not apply to those parts of walls, ceilings or partitions which are laid in glazed tiles or otherwise finished so as to provide a smooth, polished and impervious surface but all these parts shall be washed with suitable detergents and disinfectants at least once in every four months.

33. Sign Boards to be displayed.—Where persons of both sexes are employed there shall be displayed outside each latrine a sign-board in the language understood by the majority of workpersons "For Males" or "For Females" as the case may be. Each sign-board shall also have the figure of a man or a woman as the case may be.

34. Provision of water for washing etc.—(1) Where a piped water supply is available, a sufficient number of water taps, conveniently accessible, shall be provided in or near such latrines.

(2) If piped water supply is not available a sufficient quantity of water shall be kept stored in suitable receptacles near such latrines.

35. Underground latrines.—If in any mine more than 50 persons are employed underground at any one time, latrines shall be provided underground on a scale approved by an Inspector at convenient points near the working shafts and at entrances to the districts or sections of the mine. Where there is a sufficient supply of water readily available, such latrines shall be of water-borne septic tank type and shall as far as practicable be situated between an intake and return airway so that the ventilation through the latrine is passed into a return airway:

Provided that, in the case of any mine where the conditions are such as to make the use of water-borne latrines either undesirable or impracticable, an alternative type of latrine may, with the written permission of an Inspector, be provided.

36. Sanitation.—(1) At every mine all underground working places and travelling roads shall be kept clean from excreta and an adequate number of sweepers shall be employed for the purpose.

(2) All latrines and urinals in or about a mine shall be kept in a clean and sanitary condition.

(3) Receptacles for night soil shall be cleaned and disinfected at least once in every day.

(4) Proper arrangements shall be made on the surface for the disposal of night soil and urine. Such arrangements shall comply with the requirements of any health authority or Mines Board within whose jurisdiction the mine is situated.

37. Obligation of workpersons.—(1) No person shall wantonly misuse the latrines provided either on the surface or underground.

(2) No person shall pollute the underground workings of a mine with excreta. All persons employed underground shall acquaint themselves with the sanitary arrangements provided from time to time in the sections of the mine in which they have to work or pass.

CHAPTER VI

FIRST AID AND MEDICAL APPLIANCES

38. It shall be the duty of the owner, agent or manager of a mine to see that adequate and suitable arrangements are made—

(i) for the training of persons in first-aid and the provision of such equipment as is prescribed in these rules;

(ii) for the speedy removal of serious cases of accidents or sickness from mines to hospitals.

39. First Aid qualifications.—No person other than a qualified nurse, dresser, compounder-cum-dresser or medical practitioner shall be appointed to render first-aid under these rules unless he is the holder of a valid first-aid certificate of the standard of St. John's Ambulance Association (India).

40. First Aid personnel.—At every mine the first-aid arrangements on the surface, in opencast workings and below ground shall be placed in charge of persons qualified in first-aid and the owner, agent or manager shall appoint such persons on the following scale—

(i) For every 100 persons or part thereof employed at any one time on the surface, or in opencast workings, if any, at least one qualified person;

(ii) For every 50 persons or part thereof employed at any one time below ground at least one qualified person.

41. First Aid rooms.—(1) At every mine employing 500 or more persons on any one day of the proceeding calendar year, there shall be provided and maintained in good order a suitable first-aid room.

(2) The first-aid room shall be situated at a convenient place on the surface of the mine and shall be used only for first-aid and ambulance work.

(3) The first-aid room shall have a floor space of not less than 100 square feet and shall contain at least the equipment specified in the Second Schedule.

(4) The first-aid room shall be placed in the charge of a qualified medical practitioner or a compounder-cum-dresser or a dresser or a nurse appointed in writing by the Manager, who shall always be readily available during the working hours of the mine.

(5) Every person who suffers an injury during the course of work shall report for examination or treatment at the first-aid room before leaving the mine, irrespective of first-aid having been rendered at or near the place of work:

Provided that in any mine where in conformity with any other law for the time being in force, an adequately equipped hospital or dispensary is maintained, the provisions of sub-rules (1), (2), (3) and (4) shall be deemed to have been complied with.

42. First Aid Stations.—(1) At every mine there shall be provided and maintained first-aid equipment as prescribed in the Third Schedule at one or more conveniently accessible stations above ground and in opencast workings where injured persons may receive first-aid treatment.

(2) First-aid equipment, as specified in the Third Schedule shall also be provided and maintained at suitable stations below ground in the workings of a mine near the working shafts and haulages and at entrances to districts or sections of the mine where injured persons may conveniently receive first-aid treatment.

(3) The number of such stations shall be at least one for every one hundred persons or part thereof employed in the mine at any one time and the person or persons in charge of such stations shall be readily available throughout the shift.

(4) It shall be the duty of the person in charge of a first-aid station to see that the equipment provided under this rule is kept in good order and that it is replenished from time to time.

(5) A list of all persons in charge of first-aid stations shall be kept pasted up in the first-aid room or on a notice board near the entrance to the mine.

43. Carrying of first-aid outfit by officials.—Every supervisory official who is qualified to render first-aid shall carry while on duty a first-aid outfit consisting of one large sterilized dressing, one small sterilized dressing and an ampule of tincture of iodine or other suitable antiseptic. This outfit shall be securely packed to protect it against damage, dirt and water.

CHAPTER VII

EMPLOYMENT OF PERSONS

44. Persons holding positions of supervision or management etc.—For the purpose of Section 37, the following shall be deemed to be persons holding positions of supervision or management or employed in a confidential capacity—

- (a) superintendent, manager, undermanager, underground manager, underground agent, and assistant manager;
- (b) mining, electrical and mechanical engineer;
- (c) overman, foreman, assistant foreman, sirdar, shift-boss and head-mestri, or any person holding an equivalent position;
- (d) mechanical and electrical foreman;
- (e) surveyor and assistant surveyor;
- (f) medical officer, chemist, assayer, metallurgist and welfare or personnel officer;
- (g) clerk, accountant and register keeper;
- (h) any other person who in the opinion of the Chief Inspector holds a position of supervision or management.

45. Weekly day of rest.—(1) For the purpose of Sections 28 and 29 a day of rest for any person shall mean a period of rest of at least 24 consecutive hours.

(2) There shall be posted up in a conspicuous place outside the office of every mine a notice showing the weekly day of rest. Where the weekly day of rest is not the same day for all persons employed in the mine the notice shall show the day of rest allowed to each relay, or set of persons, or individual.

46. Notice regarding hours of work.—(1) The notice of hours of work referred to in sub-section (1) of Section 36 shall be maintained in Form A.

(2) In addition to the particulars specified in sub-sections (1) and (3) of Section 36 to be shown in the notice, the notice shall also show the particulars of the system in which periodical changes of shifts are made for all or each set of persons employed in the mine.

(3) A copy of the notice shall be affixed on the first page in the registers maintained in Forms B, C, D and E.

47. Compensatory days of rest.—(1) The compensatory days of rest to be allowed under sub-section (1) of section 29 shall be so spaced that in any one week not more than two such days shall be allowed to any one person.

(2) On or before the last day of every month, there shall be displayed on a notice board outside the office of the mine a list of all persons who have not been

allowed compensatory days of rest during that month, and the dates on which compensatory days of rest will be allowed to them in the following two months.

(3) In the event of a person being discharged or dismissed such number of compensatory days as are due to him, shall not be reckoned as part of any period of notice to which he is entitled under any rule, award, agreement or contract of service, and he shall be allowed all such days of compensatory rest before the date of his discharge or dismissal.

(4) There shall be maintained at every mine a register of compensatory days of rest in Form F.

48. Exemption from hours and limitation of employment.—For the purpose of section 39 of the Act, male adults employed in a mine on any work specified in column 1 of the Fourth Schedule shall be exempted from the provisions of the sections of the Act specified in column 2, subject to such conditions as are specified in column 3.

49. Transfer or termination of employment.—(1) When a person is transferred from one set or relay to another or from one shift to another, particulars of the same shall be entered against his name in the register maintained in Form B.

(2) When the employment of a person in a mine is terminated either due to dismissal, discharge or otherwise, the date of such termination shall be entered against his name in the said register.

50. Employment of adolescents.—No adolescent shall be employed in a mine—

- (a) below ground where the dust produced in mining operations is known to constitute a hazard to health; or
- (b) in close proximity to any machinery for crushing, screening or preparing mineral or rock for use or sale, where the concentration of dust in the atmosphere constitutes a hazard to health; or
- (c) in any operation connected with any machinery involving risk of injury from any moving part either of the machine or any adjacent machine; or
- (d) in any work which is unduly arduous; or
- (e) alone in a place remote from other workpersons.

CHAPTER VIII

LEAVE WITH WAGES AND OVERTIME

51. Register of leave with wages.—(1) The registers referred to in Section 55 shall be maintained in Forms G and H:

Provided that if the Chief Inspector or an Inspector is of opinion that any muster roll or register maintained in accordance with any other rules for the time being in force, gives all the particulars required for the observance of Chapter VII of the Act, he may, by an order in writing, direct that such muster roll or register shall to the corresponding extent, be maintained in place of the registers in Forms G and H.

(2) The registers mentioned in sub-rule (1) shall be preserved for a period of two years after the last entry in them has been made and shall not be destroyed even after the expiry of that period unless it has been certified by an Inspector that the leave account therein has been properly transferred to the new registers.

52. Leave with wages.—(1) For the purpose of Section 51, a period of twelve months continuous service shall commence with the first day of a calender year:

Provided that for a person whose period of continuous service commences otherwise than on the first day of a calender year, leave with wages shall be allowed in proportion hereinafter specified in sub-rule (2) if the ratio of the number of attendances put in by such a person to the number of days from the date of commencement of his service upto the last day of the calender year is not less than the ratio of the respective attendances specified in sub-section (2) of section 51 to the number of days in that calender year.

(2) A person entitled to leave with wages under the above proviso shall be allowed leave with wages for the number of days calculated at the rate of—

- (a) in the case of an employee paid by the month one day for every 19 attendances put in by him.
- (b) in case of any other employee except a loader, or one employed below ground on piece rate basis, one day for every 38 attendances put in by him.

(c) in case of a loader or other person employed below ground on piece-rate basis, one day for every 27 attendances put in by him,

(3) In calculating leave under this rule any fraction of leave of half-a-day or more shall be treated as one full day and fraction of less than half-a-day shall be omitted.

53. Arrears of leave.—A person who had applied for but had been refused any leave to which he was entitled shall be allowed that leave in the succeeding calendar year.

54. Payment of leave wages due if a person dies.—In the event of death of any person entitled to leave with wages all arrears of such leave wages shall accrue to his legal heirs or nominee as the case may be.

55. Leave with wages register for exempted mines.—In a mine where an exemption is granted under section 56, there shall be maintained a register showing against the name of each person full details of leave due, leave allowed and wages paid therefor in such manner as may be approved by an Inspector.

56. Medical Certificate.—For the purpose of section 51, any person who absents himself from work due to sickness, shall, if so required by the manager of the mine, submit a medical certificate signed by a qualified medical practitioner or registered or recognized Vaid or Hakim, stating the nature of illness and the period for which the person, in the opinion of the qualified medical practitioner registered or recognized Vaid or Hakim, will be unable to attend to work.

57. Overtime Register.—The register required by sub-section (4) of Section 33 shall be maintained in Form I.

58. Extra wages for overtime.—For the purpose of Section 33, overtime shall be paid at the end of each wage-period, and a person shall be entitled to receive overtime payment calculated on the basis of his wages or earnings for a normal shift.

NOTE 1.—In calculating overtime a fraction of an hour less than 30 minutes shall be ignored and a fraction of 30 minutes or more shall be counted as one hour.

NOTE 2.—In calculating the ordinary rate of wages or earnings in the case of a person paid by the month, the wages for a normal shift shall be 1/26th of his monthly rate of wages and in the case of any other person it shall be his ordinary rate of daily wages or earnings as the case may be.

59. Cases of exemption under section 56.—(1) Where an exemption is granted under section 56, the Manager shall display at the main entrance of the mine, a notice giving full details of the system established in the mine for leave with wages and shall send a copy of it to the Inspector.

(2) No alteration shall be made in the Scheme approved by the Central Government at the time of granting exemption under section 56 without its previous sanction.

CHAPTER IX

WELFARE AMENITIES

60. Provision of Shelters.—At every mine employing 150 or more persons on any one day of the previous calendar year, there shall be provided adequate and suitable shelters at or near loading wharves, open excavations, workshops and mine entrances where 25 or more persons are ordinarily employed at any one time, for taking food and rest:

Provided that any canteen maintained in accordance with these rules may be regarded as part of the requirements of this rule.

61. Standards of Shelters.—Every shelter shall—

- have a floor area of not less than 150 square feet and a height to the lowest part of the roof of not less than 6½ feet;
- be so constructed as to afford effective protection from the weather;
- be constantly provided with an adequate supply of coal and wholesome drinking water during the working hours of the mine;
- be kept in a clean and tidy condition.

62. Provision of canteens.—At every mine employing 250 or more persons on any one day in the previous calendar year, where the Chief Inspector or Inspector so requires, there shall be provided within the precincts of the mine a canteen for the use of all persons employed.

63. Standards of canteen.—Every canteen shall—

- (a) be constructed in accordance with plans and specifications approved by the Chief Inspector or Inspector;
- (b) be situated not less than 50 ft. from any latrine, urinal, boiler house, engine room, coal heap, ash heap or heap of other material and any other source of dust or smoke;
- (c) be sufficiently lighted during all hours when open for use;
- (d) be provided with a washing place for females suitably separated or screened to secure privacy;
- (e) be whitewashed or colour washed inside the rooms and passages at least once a year and woodwork and structural iron or steel work shall be varnished or painted at least once every three years:

Provided that the inside walls of the kitchen shall be whitewashed or colour washed once every four months;

- (f) be provided with receptacles for garbage and have drains to carry away waste water.

64. Furniture and equipment.—In every canteen there shall be provided and maintained—

- (a) sufficient furniture, utensils and other equipment necessary for its efficient operation;
- (b) an adequate supply of cool and wholesome drinking water;
- (c) suitable clean clothes for persons cooking and serving food, drink, etc.

65. Cleanliness.—(1) The canteen and its precincts shall be kept in a sanitary condition.

(2) An adequate supply of hot water shall be provided for cleansing utensils and equipment and all furniture, utensils and other equipment shall be kept clean and in a hygienic condition.

66. Provisions of staff.—The owner, agent or manager shall appoint supervisory and other staff sufficient for the proper working of the canteen.

67. Canteen Managing Committee.—(1) The owner, agent or manager shall appoint a Canteen Managing Committee which shall be consulted from time to time, but not less than once a month, as to the management and working of the Canteen.

(2) (a) The Committee shall consist of an equal number of members nominated by the owner, agent or manager and elected by the persons employed in the mine. The number of elected members shall be on a scale of one for every 1,000 persons employed, provided that the number shall not be more than 5 or less than 2.

(b) The term of office of the elected members shall be two years commencing from the date of the last election, no account being taken of a bye-election.

(c) The owner, agent or manager shall determine the procedure for and supervise the elections to the Committee.

(3) The owner, agent or manager shall appoint either himself or his nominee as *ex-officio* Chairman of the Committee and the Chairman shall preside at every meeting of the Committee.

(4) The proceedings of every meeting of the Committee shall be recorded in a minute book and shall be signed by the Chairman.

68. Prices to be charged.—Food, drink and other items served in a canteen shall be sold on a non-profit basis and the prices charged shall be subject to the approval of the Canteen Managing Committee. A list of approved prices shall be conspicuously displayed in the canteen in English, Hindi and in the language of the district in which the mine is situated.

69. Accounts.—Proper accounts pertaining to the canteen shall be maintained. Such accounts shall be audited once every twelve months by a competent accountant or auditor, and a balance-sheet shall be submitted to the Canteen Managing Committee not later than two months after the date of closing of the accounts.

70. Welfare Officers.—(1) In every mine wherein 500 or more persons are employed on any one day of the preceding calendar year there shall be appointed at least one Welfare Officer:

Provided that if the number of persons employed exceeds 2,000, there shall be appointed one Welfare Officer for every 2,000 persons employed or fraction thereof.

(2) A person appointed as a Welfare Officer shall possess—

- (a) a University degree;
- (b) a degree or diploma in Social Science from any Institution recognised by the Government; and preferably practical experience of handling labour problems in any industrial undertaking for at least three years; and
- (c) preferably knowledge of the language of the district in which the mine is situated, or the language understood by the majority of persons employed in the mine:

Provided that in case of a person already in service as a Welfare Officer in a mine the above qualifications may with the approval of the Chief Inspector be relaxed:

Provided further that candidates selected as Welfare Officers may be required to be conversant with the principal local language of their jurisdiction within a reasonable period of time if they are not already so.

(3) Appointment of the Welfare Officer shall be notified to the Chief Inspector or Inspector giving full details of the qualifications and experience of the officer appointed and the terms and conditions of service.

71. Duties of Welfare Officers.—The duties of Welfare Officers shall be—

- (i) to establish contacts and hold consultations with a view to maintain harmonious relations between the management and persons employed in the mine;
- (ii) to bring to the notice of the management the grievances of employees, individual as well as collective, with a view to securing their expeditious redress;
- (iii) to promote relations between management and employees which will ensure productive efficiency as well as amelioration in the working conditions and to help workers to adjust and adapt themselves to their working environments;
- (iv) to ensure the formation of Works and Joint Production Committees, Co-operative Societies and Safety-First and Welfare Committees, and to supervise their work;
- (v) to help the management in regulating the grant of leave with wages and explain to the workers the provisions relating to leave with wages and other leave privileges and to guide the workers in the matter of submission of applications for grant of leave for regulating authorised absence;
- (vi) to secure welfare provisions, such as housing facilities food stuffs, social and recreational facilities, sanitation, advice on individual personnel problems and education of children;
- (vii) to supervise welfare activities, statutory or otherwise, including education and training of employees;
- (viii) to suggest measures which will lend to raise the standard of living of workers and in general promote their well being;
- (ix) to perform any other duty connected with the welfare of the persons employed in mines.

72. Conditions of service.—(1) A Welfare Officer shall be given appropriate status corresponding to the status of the other executive heads of the mine.

(2) The conditions of service of a Welfare Officer shall be the same as of other members of the staff of corresponding status in the mine: Provided that, in the case of discharge or dismissal, the Welfare Officer, shall have a right of

appeal to the Chief Inspector whose decision thereon shall be final and binding upon the owner, agent or manager of the mine as the case may be.

CHAPTER X

REGISTERS AND NOTICES

73. Maintenance and production of reports, registers and other records.—All reports, registers and other records maintained in pursuance of the regulations, rules or byelaws, unless otherwise provided for, shall—

- (1) be kept at an office or the nearest convenient building within the precincts of the mines;
- (2) be legibly entered in ink in English, Hindi or the language of the district in which the mine is situated;
- (3) be preserved in original for a period of one calendar year after the date of the last report or entry:

Provided that when the original record is lost or destroyed before the expiry of one year's period true copies thereof, if available, shall be preserved for the prescribed period.

- (4) be produced on demand before the Chief Inspector or Inspector or any person authorised in that behalf by the Central Government.

74. Register of minor accidents.—The register required by sub-section (3) of section 23 shall be maintained in Form J.

75. Register of employees.—The register required by sub-section (1) of section 48 shall be maintained in Form B.

76. Register of daily attendance.—(1) The registers required by sub-section (4) of section 48 of persons employed in the mine (a) belowground, (b) in opencast workings and (c) above ground shall be maintained in Forms C, D and E respectively.

(2) The entries in the register maintained in Form C shall be made at the entrance or entrances to the mine, at the time when a person against whose name the entry is made enters or leaves the mine.

(3) The entries in the registers maintained in Forms D and E shall be made at suitable points on the premises of the mine with reasonable despatch, at the commencement and end of the period of work.

77. Postings of abstracts, bye-laws and notices.—(1) The abstracts of the Act as given in the Fifth Schedule shall be posted up outside the Office of every mine in English, Hindi and either in the language of the district in which the mine is situated or the language understood by a majority of the persons employed in the mine.

(2) The bye-laws shall be posted up in the manner required by sub-section (5) of Section 61, in English, Hindi and either in the language of the district in which the mine is situated or the language understood by a majority of the persons employed in the mine:

Provided that the Chief Inspector may require the abstracts and the bye-laws to be posted up in any Indian language other than the language of the district in which the mine is situated or the language understood by a majority of the persons employed in the mine.

(3) Every notice required to be posted up under these rules shall be in English, Hindi and either in the language of the district in which the mine is situated or the language understood by a majority of the persons employed in the mine.

(4) The abstracts, byelaws and notices required to be posted up by the Act, regulations and the rules shall be maintained in a clear and legible condition.

CHAPTER XI

MISCELLANEOUS

78. Observance of local time.—For the purpose of section 4, the local mean time that shall ordinarily be observed in any class or group of mines situated in any local area, specified in column 1 of the Sixth Schedule shall be as specified in column 2 thereof.

79. Intoxicating drugs and drinks.—(1) No intoxicating liquor shall be carried by any person into the workings of any mine.

(2) No person shall enter or be permitted to enter a mine in an intoxicated condition or to consume any intoxicating drink or drug while at work in a mine or to remain in or about a mine in a state of intoxication.

80. Occupational diseases—Fees of medical practitioner.—A medical practitioner making an examination in accordance with sub-section (2) of section 25, shall be paid as follows.—

- (a) a fee not exceeding rupees sixteen for each clinical examination;
- (b) a fee not exceeding rupees sixteen for each X-ray examination.

81. Mode of payment of fees.—The fees payable by the owner, agent or manager under these rules shall be paid directly into the treasury or a branch of the Imperial Bank of India and the receipt of the treasury or bank shall be sent to the Chief Inspector along with the particulars to which the fee relates.

CHAPTER XII

RESCISSON AND SAVINGS

82. Rescission and Savings.—(1) All rules framed by State Governments under section 30 of Indian Mines Act, 1923 (IV of 1923) and those contained in chapters II, III and VI of the Mysore Gold Mines Rules, 1953, are hereby rescinded, but all acts done, orders issued and certificates granted or renewed under any rule so rescinded, so far as they are not inconsistent with these rules, be deemed to have been respectively done, issued, granted or renewed under these rules.

(2) The rules contained in Chapters IV and V of the Mysore Gold Mines Rules, 1953, shall continue to apply to gold mines in the State of Mysore in addition to these rules.

THE FIRST SCHEDULE

FORMS

FORM A

[See RULE 46(1)]

Name of the Mine.....

Owner.....

Notice of Commencement and end of work

It is hereby notified that persons employed at this mine shall begin and end their periods of work between the hours set out below.

Sl. No.	Class or kind of employment	Sex	Adult or Adoles- cent.	Place of work	Set or Relay Number. (A,B,C, etc.)	1,	Set or Relay	A			B			C			D			Etc.	
						1	2	Shift.	1	2	3	1	2	3	1	2	3	1	2	3	
1	2	3	4	5	6	Period of work.															
						3	Begins*	A.M.													
								P.M.													
							Ends*	A.M.													
								P.M.													
							*Interval for rest if any.														
						4	Begins*	A.M.													
								P.M.													
							Ends*	A.M.													
								P.M.													
						5	System of change of shifts.														
						6	Date on which this notice was first exhibited.														

NOTE :—*The words and letters not required shall be scored out.

Signature of Manager.

Date.....

Year Ending..... 19

FORM B

SEE RULE 46 (3) 49 and 75

Register of employees

Name of Mine—

Name of Owner—

Serial Number	Name and surname of employee	Father's/ Husband's Name	Age and Sex	Nature of Employment (Above or Below ground or opencast workings)	Class or kind of employment (Set or Relay)	Particulars of Transfer to another set or relay	Serial Number	Home address of employee (Village, Thana, District.)	Date of commencement of employment	Date of termination or leaving of employment	Signature or thumb impression of employee	Remarks
I	2	3	4	5	6	7	8	9	10	11	12	13

NOTE FOR ADOLESCENTS ONLY.
Serial Number and date of certificate of fitness shall be entered in the remarks column

Month.....

Week Ending														
I	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Relay	Shift	Date of weekly rest	Relay	Shift	Date of weekly rest	Relay	Shift	Date of weekly rest	Relay	Shift	Date of weekly rest	Relay	Shift	Date of weekly rest

Signature of Register Keeper.

Form C

[SEE RULE 46 (3) AND 76]

Register of persons employed below ground during the week commencing and ending 19

Name of Mine	Part of Section or Mine.....		
Name of Owner	Hours of Shift	Begins	A.M.
		Ends	P.M.
			A.M.
			P.M.

Serial Number	Name and surname of employee	Age & Sex	Class or kind of employment.	Relay Set No.	Serial No. from form B Register.	Time should be recorded against each entry												Total	Remarks			
						Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday										
I	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
						In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out			

INITIALS OF REGISTER KEEPER.

WEEKLY ABSTRACT	Miners including loaders.	Adolescents	Others
Total No. of attendances.			
Total No. of absentees.			

Form ID

[SEE RULES 46 (3) AND 76]

Register of persons employed in opencast workings during the week commencing and ending

19

Name of Mine

Part or Section of mine

Begins

A.M.

Name of Owner

Hours of Shift

Ends

P.M.

A.M.

P.M.

Serial Number	Name and surname of employee	Age & Sex	Class or kind of employment	Relay or Set No.	Serial No. from Form B Register	Time should be recorded against each entry										Total		Remark
						Sunday	Monday	Tuesday	Wednesday	Thursday	Fiday	Satur-day	No. of day worked	No. of hours worked				
1	2	3	4	5	6	7 8	9 10	11 12	13 14	15 16	17 18	19 20	21	22	23			
						In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	

INITIALS OF REGISTER KEEPER

WEEKLY ABSTRACT	Miners including Loader	Adolescents	Women	Others
Total No. of attendances.				
Total No. of absentees.				

Form E

[SEE RULES 46(3) AND 76]

Register of persons employed above ground during the week commencing _____ and ending _____

19

Name of Mine	Part or Section of mine	
Name of Owner	Hours of Shift	Begins
		Ends

A. M.
P. M.
A. M.
P. M.

Serial Number	Name and surname of employee	Age & Sex	Class or kind of employment	Relay or Set No.	Serial No. from Form B Register	Time should be recorded against each entry.														Remarks		
						Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	No. of days worked	No. of hours worked								
I	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
						In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out			

INITIALS OF REGISTER KEEPER

WEEKLY ABSTRACT	Men	Women	Adolescents.
Total No. of attendances.			
Total No. of absentees.			

Name of Mine

Owner

Year

Form F

[SEE RULE 47 (4)]

Register of Compensatory Days of Rest

Serial No. from Form B Register	Name and surname of employee	Class or kind of employment set or Relay No.	No. of days of compensatory rest due in the previous calendar year	Dates on which weekly days of rest have not been allowed				Dates on which compensatory days of rest have been allowed				No. of days of compensatory rest due on 31st December	Remarks.
				1st January to 31st March.	1st April to 30th June.	1st July to 30th Sept.	1st October to 31st December	1st January to 31st March.	1st April to 30th June.	1st July to 30th Sept.	1st October to 31st December		
I	2	3	4	5	6	7	8	9	10	11	12	13	14

Form G

(SEE RULE 51)

Register of Leave Account During the Calendar Year

Name of Mine.....
Owner.....

Form H

(SEE RULE 51)

Name of Mine.....
Owner.....

Register of Leave Wages Account during the Calendar Year

1	2	3	Name and surname of employee		Total leave period due in the year (From Form G)		Leave Instalment			Leave Instalment			Leave Instalment			Leave Instalment			Arrears of Leave.	
			4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
			Calculated daily rate of wages or earnings including concessions.	Calculated leave wages for the period.	Leave wages paid	Leave actually availed	Date of payment	Calculated daily rate of wages or earnings including concessions.	Calculated leave wages for the period.	Leave wages paid	Leave actually availed	Date of payment	Calculated daily rate of wages or earnings including concessions.	Calculated leave wages for the period.	Leave wages paid	Leave actually availed	Date of payment	Period.	Amount.	Remarks.

NOTE—The date of payment of arrears of leave wages shall be entered in the remarks column.

Name of Mine.....
Owner.....
Month.....

Form I

(see rule 57)

Register of Overtime Wages.

Serial Number from Form B Register		Name and Surname of employee		Nature of work above or below ground		Class or kind of employment		Ordinary rate of wages.		Overtime rate of wages.		Week ending									
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22

Note :—The total number of hours of overtime work for the month shall be shown in the Remarks column.

Form J

(See RULE 74)

Register of Minor Accidents

Name of Mine

Owner

Year

Serial Number I	Date of entry 2	Date and hour of accident 3	Classification of accident. 5	Name and surname of person injured 5	Class or kind of employment 6	Nature of injury 7	Date of return of the injured person to work 8	Duration of enforced absence from work 9	Initial of attending Medical Practitioner 10	Remarks II

Note.—In the event of an injury proving "serious" or "fatal" or when an injured person proceeds on leave or leaves his employment particulars shall be entered in the Remarks column.

Form K
 (See Rule 23(1))
Certificate of Fitness

*Counterfoil**Foil*

1. Serial No. _____
2. Name and Surname _____
3. Father's / Husband's name _____
4. Sex _____
5. Permanent Home Address:
Village/Thana/District _____
6. Age certified _____
7. Physical fitness for work as an adult/adolescent
above ground/below ground _____
8. Descriptive marks _____
9. Certificate valid up to _____
10. Reasons for :—
 (1) Refusal of certificate _____
 (2) Certificate being revoked _____

Serial No. _____

Date _____

I certify that I have personally examined
(name and surname)

Son/daughter/wife of _____

residing at _____
 who is desirous of being employed in a mine,
 and that his/her age, as nearly as can be ascertained
 from my examination is _____ years
 and that he/she is fit for work in a mine as an
 adult/adolescent, above ground/below ground.

This certificate is valid upto _____ 19

His/her descriptive marks are _____

(Thumb impression)

Certifying Surgeon.

*(Thumb impression)*Initial of certifying Surgeon.
This certificate is hereby renewed up to the
day of _____ 19Certificate renewed up to the _____ day of
_____ 19

Certifying Surgeon

Certifying Surgeon.

This certificate is hereby renewed up to the
day of _____ 19Certificate renewed up to the _____ day of
_____ 19

Certifying Surgeon.

Certifying Surgeon.

Note:—Exact details of cause of physical disability
should be clearly stated.**THE SECOND SCHEDULE**

[See Rule 41 (3)]

Equipment of a first-aid room

- (a) A stretcher and a table of convenient height (about 2½ feet) large enough to stand the stretcher on;
- (b) a bench or chairs and one screen;
- (c) a glazed sink with water readily available;
- (d) soap, towel and nail brush;
- (e) a supply of suitable sterilized dressings, cotton wool, bandages and adhesive plaster;
- (f) a supply of tincture of iodine (2 per cent. alcoholic solution) or other antiseptic solution;
- (g) blankets and hot-water bottles;

- (h) sets of splints (4½ ft., 3 ft. and 1 foot), with necessary triangular bandages for applying them;
- (i) a supply of drinking water and a drinking vessel;
- (j) a tourniquet, scissors and safety pins;
- (k) an adequate supply of anti-tetanus serum and morphine ampules;
- (l) first-aid boxes or cupboards not less than one for every 150 persons employed in the mine stocked with requisites specified in the Third Schedule; and
- (m) stove or other apparatus for boiling water.

THE THIRD SCHEDULE

[SEE RULE 42(1)]

Requisites of a first-aid station

- (a) A stretcher with two blankets;
- (b) sets of splints (4½ ft., 3 ft., 1 ft.) with necessary triangular bandages for applying them;
- (c) first-aid boxes or cup-boards not less than one for every 150 persons employed containing at least—
 - (i) a sufficient supply of large and small sterilized dressings and burn dressings;
 - (ii) a sufficient supply of sterilized cotton-wool and of adhesive plaster;
 - (iii) a supply of roller bandages;
 - (iv) a supply of tincture of iodine or other antiseptic solution;
 - (v) a tourniquet, scissors and safety pins; and
 - (vi) a piece of carbolic soap.

NOTE.—Each first-aid box or cup-board shall be distinctly marked with the sign of Red Cross and with the words "FIRST-AID" and nothing except appliances or requisites for first-aid shall be kept in it.

THE FOURTH SCHEDULE

[SEE RULE 48]

Exemptions from hours and limitations of employment

Nature of work	Extent of exemption	Conditions attached to exemption
1. Emergency involving serious risk to the safety of the mine or of persons employed therein such as accidental explosion, ignition of gas, spontaneous heating, outbreak of fire, influx of noxious gases, interruption of water, premature collapse of any part of a mine or failure of power supply.	Sections 28, 30, 31, 34 and 36 (5).	(1) No person shall be employed on such work for more than 12 hours on any one day and 66 hours during each period of seven consecutive days commencing from his first employment on such work. (2) The report referred to in sub-section (2) of section 38 shall be sent to the Chief Inspector on or before the last day of each month.
2. Urgent work in case of— (i) an accident actual or apprehended in a mine involving work such as, clearing of falls of ground or erecting or withdrawing of supports or completion of blasting operations; or (ii) a breakdown of any machinery, plant or equipment in a mine involving repairs, renewals or alterations necessary to avoid stoppage of normal mining operations.	Sections 28, 30, 31, 34 and 36 (5)	(1) No person shall be employed beyond the limits of overtime specified in Section 35. (2) The report referred to in sub-section (2) of Section 38 shall be sent to the Chief Inspector on or before the last day of each month.

FIFTH SCHEDULE

[SEE RULE 77(1)]

ABSTRACTS OF THE ACT

Inspectors

1. Any Inspector may enter and inspect any mine (by day and night) and make such examination and enquiry as may be necessary, to determine the condition of the mine and to ascertain whether the provisions of this Act and of the Regulations, Rules and Bye-laws are being observed. If he has reason to believe that these provisions have been or are being contravened, he may search any place and take possession of any register or record concerning the mine. (Section 7).

2. Any Government servant, duly authorised by the Chief Inspector or an Inspector, may enter any mine for the purpose of surveying, levelling and measuring after giving at least 3 days' notice to the manager. (Section 8).

3. Every owner, agent and manager of a mine shall afford every Inspector and every person authorised under section 8 all reasonable facilities for making any entry, inspection, survey, measurement, examination or enquiry under this Act. (Section 9).

Management of Mines

4. Every mine shall be under the control, management and direction of one manager having the prescribed qualifications. (Section 17).

5. The owner, agent and manager of every mine shall be responsible that all operations carried on in connection with the mine are conducted in accordance with the provisions of this Act and of the Regulations, Rules and Bye-laws and any order made thereunder. (Section 18).

Provision of Drinking Water, Ambulance Appliances and Latrines

6. In every mine, both above and below ground—

(a) a sufficient supply of cool and wholesome drinking water shall be provided and maintained at suitable points conveniently situated for all persons employed in the mine. (Section 19).

(b) A sufficient number of first-aid boxes shall be provided and maintained. (Section 21).

(c) A sufficient number of latrines and urinals, separately for males and females, shall be provided in every mine at suitable places accessible at all times to all persons employed in the mine. All latrines and urinals shall be maintained in a clean and sanitary condition. (Section 20).

Accidents

7. Where there occurs in or about a mine an accident causing loss of life or serious bodily injury or any dangerous occurrence, a notice in the prescribed form shall be sent to the prescribed authorities and simultaneously a copy of such notice shall be posted at the mine on a special notice board and kept posted for not less than two months from the date of such posting. (Section 23).

8. Where any person employed in a mine contracts any disease connected with mining operations, the owner, agent or manager shall send notice thereof to the Chief Inspector and to such other authorities as may be prescribed. (Section 25).

Hours and Limitation of Employment

9. No person shall work in a mine on more than six days in any one week. (Section 28).

10. If any person works, as provided under this Act, on any day of rest fixed for him he should be given a compensatory day of rest within that or the following two months. (Section 29).

11. No adult shall work above ground in a mine for more than forty-eight hours in any week or for more than nine hours in any day and he shall have at least half an hour's rest after working for not more than five hours. The spread over of the period of work including rest interval shall not normally be more than 12 hours. (Section 30).

12. No adult shall work below ground in a mine for more than forty-eight hours in any week or for more than eight hours in any day, except that a pump-minder, an onsetter or attendant of continuously operated machinery may work for not more than nine hours on any day or for not more than fifty-four hours in any week. (Section 31).

13. Where a person works in a mine for more than forty-eight hours, whether above or below ground, he shall get, for such overtime work, wages at the rate of—

- (a) twice his ordinary rate of wages, for underground work; and
- (b) one and a half times his ordinary rate of wages for work above ground.

'Ordinary rate of wages' means the basic wages plus such allowances including the cash equivalent of the advantage accruing through the sale on a concessional basis of foodgrains and other articles but does not include a bonus. (Section 33).

14. No person shall be allowed to work in a mine who has already been working in any other mine within the preceding 12 hours. (Section 34).

15. Except as may be permitted under section 39(a), no person shall work for more than ten hours in any day, inclusive of overtime, nor shall the total number of hours of his overtime work exceed fifty in any one quarter. (Section 35).

16. The Manager of every mine shall post outside the office a notice of working hours and no person shall be allowed to work otherwise than in accordance with the notice. (Section 36).

17. The provisions regarding weekly day of rest, hours of work above and below ground and of section 36 shall not apply to supervising staff. (Section 37).

18. In case of an emergency, the manager may permit in accordance with the rules under section 39 persons to be employed in contravention of the provisions regarding hours of work. (Section 38).

Employment of Adolescents

19. No person aged between 15 and 18 years shall work underground in a mine unless he has been certified as fit for work as an adult by a Certifying Surgeon and carries, while at work, a token giving a reference to such certificate and he shall have rest for at least half an hour after not more than four and a half hours of continuous work. He shall not be employed between 6 P.M. to 6 A.M. (Section 40).

20. A certificate of fitness granted or renewed for the purpose of section 40 shall be valid only for 12 months and may be conditional regarding employment in general or regarding the nature of work and may be revoked by a Certifying Surgeon if the holder of a certificate is no longer fit for the work specified in the certificate. Where a certificate or the renewal of a certificate is refused a Certifying Surgeon shall state his reasons for refusal if the person concerned so requires. The adolescent or his parents shall not be liable to pay any fees for medical examination under section 40 in all cases where he is sent by the manager of the mine in which he will be employed if found fit. (Section 41).

21. An adolescent, granted a certificate of fitness and working in a mine shall be considered to be an adult for the purposes of this Act. (Section 42).

22. Where an Inspector is of opinion that any person working in a mine without a certificate of fitness is an adolescent or that an adolescent working with such a certificate is no longer fit, he may ask the manager not to employ such person till he is examined or re-examined as the case may be and declared fit by a Certifying Surgeon or certified by him not to be an adolescent. (Section 43).

23. (1) No adolescent who has not been granted a medical certificate certifying that he is fit for work as an adult shall be employed or permitted to be employed above ground or in any workshop or power station in a mine or in any open cast workings in a mine—

- (a) for more than four and a half hours in any day; or
- (b) between the hours of 6 P.M. and 6 A.M.

(2) The period of work of all such adolescents employed in a mine shall be limited to two shifts which shall not overlap or spread over more than five hours each, and each such adolescent shall be employed in only one of the relays which shall not, except with the previous permission in writing of the Chief Inspector, be changed more frequently than once in a period of thirty days.

(3) The provisions of section 28 shall apply to such adolescents and notwithstanding anything contained in sub-section (1) of section 38 or in section 39, no exemption from the provisions of section 28 shall be granted in respect of any adolescent. (Section 44).

Employment of Women and Children

24. No person below the age of fifteen years shall be employed in any mine or allowed to be present in any part of a mine which is below ground or in any open excavation in which any mining work is being done (Section 45).

25. No woman shall be employed at any time of the day or night in any part of a mine which is below ground, and no woman shall be employed in any mine above ground or in open cast excavations except between the hours of 6 A.M. and 7 P.M. (Section 46 and Notification S.R.O. 1395 dated 9th August 1952).

Registration of Workers

26. For every mine, there shall be kept a register of employees showing in respect of each person his or her name, age, sex, nature of employment, date of commencement of employment, the periods of work, the intervals and days of rest, the relay to which he or she belongs, reference to the certificate of fitness in case of an adolescent and the entries in the register shall be authenticated by the signature or thumb impression of the person concerned. There shall also be kept separate registers for workpersons working (a) below ground (b) in opencast workings and (c) above ground showing in respect of each person the name, nature of his employment and the hours of relay and the relay to which he belongs. The register of persons employed below ground shall show at any moment the name of any person who is then present below ground in the mine (Section 48).

Leave with Wages

27. Every person employed in a mine who has completed twelve months' continuous service (not less than 190 attendances in case of loaders or piece-rated workers working below ground and not less than 265 attendances for other persons) in the mine, shall be allowed, during the following twelve months, leave with full pay:

- (a) for fourteen days, in case of monthly paid staff;
- (b) for seven days, in case of other workers.

No application for leave shall ordinarily be refused. If any person is discharged before he can take leave to which he is entitled he shall be paid his wages or pay for that period of leave. (Section 51).

28. For the leave allowed to a loader or a piece-rated worker employed below ground he shall be paid at the rate of daily average earnings during the month of December. For the leave allowed to a person who is paid weekly or monthly the rate shall be equal to his normal daily wages during the week preceding his leave. Daily average earnings or wages shall include cash equivalent of free foodgrains and other cash compensation drawn during the period concerned. (Section 52).

29. Any monthly paid employee who has been granted leave for ten days or more and any weekly paid employee or a loader or piece-rated worker working below ground who has been granted leave for five days or more shall be paid in advance the wages due for the period of the leave allowed. (Section 53).

Penalties

30. Any person obstructing an Inspector in the execution of his duties may be punished with imprisonment upto three months or a fine upto Rs. 500/-; or both. (Section 63).

31. Whoever makes, gives or delivers any plan, return, notice, record or report containing a statement, entry or detail which is not to the best of his knowledge or belief true, may be punished with imprisonment upto three months or a fine upto Rs. 500/-; or both. (Section 64).

32. Whoever knowingly uses for himself a certificate of fitness granted (under Section 40) to some other person or allows a certificate of fitness granted to him to be used by any other person, may be punished with imprisonment upto one month or a fine upto Rs. 40/-; or both. (Section 65).

33. If any person below 18 years of age is employed in more than one mine on any day, his parents, guardian or custodian may be punished with a fine upto Rs. 50/-; (Section 68).

34. If any mine is run without a manager, the owner or agent may be punished with imprisonment upto three months or with a fine upto Rs. 500/-; or both. (Section 69).

35. Whoever fails to give notice of any accidental occurrence or to post a copy of the notice on a special notice board, may be punished with imprisonment upto three months or a fine upto Rs. 500/-; or both. (Section 70).

36. No person shall interfere with, misuse or wilfully neglect to make use of any appliance provided for the purpose of health, safety or welfare of the workers, or wilfully do anything likely to endanger himself or others (Section 72).

37. Whoever contravenes any provision of this Act or of any regulation, rule or bye-law, or of any order made thereunder, for which no penalty is expressly provided may be punished with imprisonment upto three months, or a fine upto Rs. 1000/-; or both. (Section 73).

38. Whoever contravenes any provision of this Act or of any regulation, rule or bye-law or of any order made thereunder may be punished:

(a) if such contravention results in loss of life, with imprisonment upto one year or a fine upto Rs. 5,000/-; or both.

(b) if such contravention results in serious bodily injury, with imprisonment upto six months or a fine upto Rs. 2,000/-; or both. (Section 74).

THE SIXTH SCHEDULE

(See Rule 78)

1	2
Coal Mines situated in the district of Lakhimpur in the State of Assam.	One hour in advance of Indian Standard Time.

[No. M-158(1)/47.]

A. P. VEERA RAGHAVAN, Under Secy.

New Delhi, the 11th May 1954

S.R.O. 1607.—The following draft of certain rules which the Central Government proposes to make in exercise of the powers conferred by section 7 of the Employment of Children Act, 1938 (XXVI of 1938), and in supersession of the notification of the Government of India in the late Department of Labour No. L-3090, dated the 8th February, 1940, is published as required by sub-section (1) of the said section for the information of persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration on or after the 1st July, 1954.

Any objections or suggestions which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Draft Rules

1. (1) These rules may be called the Employment of Children (Railways) Rules, 1954.

(2) They extend to the whole of India including Chandernagore except the State of Jammu and Kashmir.

2. In these rules, unless the context otherwise requires—

(i) the "Act" means the Employment of Children Act 1938; and

(ii) "competent authority" means the authority defined in the Act.

3. Every child employed under the provisions of sub-section (2) of section 3 of the Act to work in any occupation specified in clause (a) of sub-section (1)

of the said section shall be allowed an interval of rest for at least twelve consecutive hours which shall include seven consecutive hours from 10 P.M. to 5 A.M.

Provided that permission in writing to fix the seven consecutive hours other than those mentioned above, between 10 P.M. and 7 A.M. is obtained from an Inspector appointed under the Act.

4. The provisions of sub-section (2) of section 3 of the Act shall not apply to any child who has completed his fifteenth year but has not completed his seventeenth year while such a child is employed or permitted to work in any occupation specified in clause (a) of sub-section (1) of the said section either as an apprentice or for the purpose of receiving vocational training subject to the following conditions:—

- (a) the scheme of apprenticeship or vocational training shall have the prior approval of the Central Government, which may consult such organisations of workers and employers as it may consider appropriate before according its approval.
- (b) every such child shall be granted a rest period of at least thirteen consecutive hours between two working periods.
- (c) every such child shall be medically examined and found fit for the particular trade; and
- (d) an agreement to this effect shall be signed by the employer or his authorised representative on the one hand and the parent or guardian of the child on the other hand specifying the terms and conditions of apprenticeship.

5. The competent authority may exercise the powers conferred upon it under the second proviso to sub-section (2) of section 3 of the Act in order to avoid serious interference with the ordinary working of the Railway, in cases of accident, or in any other emergency which could not have been foreseen or prevented.

6. (1) The register required to be maintained under section 3-D of the Act shall be in Form-A appended to these rules.

(2) The register shall normally be maintained in English, but where it is maintained in any other language than English a true translation thereof in English shall be available.

(3) The register shall be maintained for a period of three years after the date of the last entry made therein.

7. Every railway administration shall cause to be displayed in a conspicuous and accessible place at every station on its railway a notice containing an abstract of sub-sections (1) and (2) of section 3 and section 4 of the Act, in English and in a language understood by the majority of the persons employed.

8. An Inspector appointed by the Central Government may enter any place where persons are employed in any occupation connected with the transport of passengers, goods or mails on a railway and may take on the spot, or otherwise such evidence of any persons and exercise such other powers of inspection as he may deem necessary for carrying out the purposes of the Act.

9. (1) Any qualified medical practitioner, holding a qualification granted by an authority specified in the Schedule to the Indian Medical Degrees Act, 1916 (VII of 1916), or in the Schedules to the Indian Medical Council Act, 1933 (XXVII of 1933), may grant certificates of age in respect of young persons in employment or seeking employment in railways.

(2) A certificate of age granted under sub-rule (1) shall be in Form-B appended to these rules.

FORM 'A'

REGISTER OF CHILDREN BETWEEN 15 AND 17 YEARS OF AGE

Name and address of employer

Place of work

Serial No.	Name of child	Father's name	Date of birth	Perma- nent address	Date of joining the establis- hment	Nature of work on which employed	Daily hours of work	Intervals of rest	Remarks
1	2	3	4	5	6	7	8	9	10

FORM 'B'

CERTIFICATE OF AGE

I hereby certify that I have personally examined (name).....son/daughter of.....residing at.....and that he/she has completed his/her fifteenth year and his/her age, as nearly as can be ascertained from my examination, is.....years (completed).

His/her descriptive marks are.....Thumb impression of child.....
.....

Place.....

Medical Practitioner.

Date.....

[No. Fac.101(14) (i).]

S.R.O. 1808.—The following draft of certain rules which the Central Government proposes to make in exercise of the powers conferred by section 7 of the Employment of Children Act, 1938 (XXVI of 1938), and in supersession of the notification of the Government of India in the late Department of Labour No. L-3090, dated the 26th November, 1940 is published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration on or after the 1st July 1954.

Any objections or suggestions which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Draft Rules

1. (1) These rules may be called the Employment of Children (Major Ports) Rules, 1954.

(2) They extend to the whole of India including Chandernagore except the State of Jammu and Kashmir.

2. In these rules, unless the context otherwise requires—

- (i) the "Act" means the Employment of Children Act, 1938; and
- (ii) "competent authority" means the authority defined in the Act.

3. Every child employed under the provisions of sub-section (2) of section 3 of the Act to work in any occupation specified in clause (b) of sub-section (1) of the said section shall be allowed an interval of rest for at least twelve consecutive hours which shall include seven consecutive hours from 10 P.M. to 5 A.M.:

Provided that permission in writing to fix the seven consecutive hours other than those mentioned above, between 10 P.M. to 7 A.M. is obtained from an Inspector appointed under the Act.

4. The provisions of sub-section (2) of section 3 of the Act shall not apply to any child who has completed his fifteenth year but has not completed his seventeenth year while such a child is employed or permitted to work in any occupation specified in clause (b) of sub-section (1) of the said section either as an apprentice or for the purpose of receiving vocational training subject to the following conditions:—

- (a) the scheme of apprenticeship or vocational training shall have the prior approval of the Central Government, which may consult such organisations of workers and employers as it may consider appropriate before according its approval;
- (b) every such child shall be granted a rest period of at least thirteen consecutive hours between two working periods;
- (c) every such child shall be medically examined and found fit for the particular trade; and
- (d) an agreement to this effect shall be signed by the employer or his authorised representative on the one hand and the parent or guardian of the child on the other hand specifying the terms and conditions of apprenticeship.

5. The competent authority may exercise the powers conferred upon it under the second proviso to sub-section (2) of section 3 of the Act in order to avoid serious interference with the ordinary working of the major port when urgent work is required to be done or in any other emergency which could not have been foreseen or prevented.

6. (1) The register required to be maintained under section 3-D of the Act shall be in Form-A appended to these rules.

(2) The register shall normally be maintained in English, but where it is maintained in any other language than English a true translation thereof in English shall be available.

(3) The register shall be maintained for a period of three years after the date of the last entry made therein.

7. Every port authority shall cause to be displayed in a conspicuous and accessible place within the limits of a port a notice containing an abstract of sub-sections (1) and (2) of section 3 and section 4 of the Act, in English and in a language understood by the majority of the persons employed.

8. An Inspector appointed by the Central Government may enter any place where persons are employed in any occupation connected with the transport of passengers, or goods within the limits of a major port and may take on the spot, or otherwise such evidence of any persons and exercise such other powers of inspection as he may deem necessary for carrying out the purposes of the Act.

9. (1) A Port Health Officer or Assistant Port Health Officer may grant certificates of age free of charge in respect of young persons in employment or seeking employment in major ports.

(2) A certificate of age granted under sub-rule (1) above shall be in Form-B appended to these rules.

FORM 'A'

REGISTER OF CHILDREN BETWEEN 15 AND 17 YEARS OF AGE

Name and address of employer

Place of work

Serial No.	Name of child	Father's name	Date of birth	Permanent address	Date of joining the establishment	Nature of work on which employed	Daily hours of work	Intervals of rest	Remarks
1	2	3	4	5	6	7	8	9	10

FORM 'B'

CERTIFICATE OF AGE

I hereby certify that I have personally examined (name).....son/daughter of.....residing at.....and that he/she has completed his/her fifteenth year and his/her age, as nearly as can be ascertained from my examination, is.....years (completed).

His/her descriptive marks are.....Thumb impression of child.....

Place.....

Date.....

[No. Fac.101(14)(ii).]
Port Health Officer.

Assistant Port Health Officer.

P. M. SUNDARAM, Dy. Secy.

